

RESOLUTION NO. 22-816

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
GOLETA WEST SANITARY DISTRICT ADOPTING POLICIES
AND PROCEDURES FOR PROVIDING PRIORITY SERVICE
TO AFFORDABLE HOUSING PROJECTS PURSUANT TO
GOVERNMENT CODE SECTION 65589.7 AND FINDING
EXEMPTION FROM CEQA**

WHEREAS, Government Code Section 65589.7, as amended by Senate Bill 1087 (Chapter 727, Statutes of 2005), requires public agencies that provide sewer services to adopt written policies and procedures not later than July 1, 2006, and every five years thereafter, with specific objective standards for providing priority service to developments that include housing units affordable to lower income households; and,

WHEREAS, proposed developments that include housing units affordable to lower income households are defined in Government Code Section 65589.7(d) as dwelling units that shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code; and

WHEREAS, the Board of Directors of the Goleta West Sanitary District (the "District") desires to adopt written policies and procedures in conformance with the Government Code.

NOW, THEREFORE BE IT RESOLVED, that the following policies and procedures are hereby adopted by the Board of Directors of the Goleta West Sanitary District:

1. In the event the District experiences service limitations due to collection system or treatment plant capacity constraints or regulatory restrictions, the District shall, to the extent reasonably feasible, grant priority to proposed developments that include housing units affordable to lower income households, as defined in Government Code Section 65589.7(d).

2. The District shall devote its best efforts to plan and provide for sewer connections for proposed developments that include housing units affordable to lower income households, taking into account (i) the housing element of the general plan adopted by each county or city within the District's boundaries, and (ii) other plans, documents, and information that provide a reasonable basis for making service determinations.

3. Applications for proposed developments that include housing units affordable to lower income households shall not be denied, nor shall conditions be imposed thereon or services which are applied for be reduced, unless the District makes specific written findings that

the denial, condition, or reduction is necessary due to the existence of one or more of the following:

- a. Insufficient sewer treatment or collection capacity exists, 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.
- b. A Regional Water Quality Control Board order prohibits new sewer connections; or
- c. The applicant has failed to agree to reasonable terms and conditions relating to the provision of service.

4. The District shall not discriminate in any manner when processing and considering requests for sewer service for developments that include housing units affordable to lower income households.


5. At least every five (5) years after adoption of this Resolution, the District shall adopt written policies and procedures with specific objective standards for the provision of sewer service on a priority basis with respect to developments that include housing units affordable to lower income households.

6. This Resolution is not subject to the California Environmental Quality Act (CEQA) for the following reasons: (1) The adoption of this Resolution is a “ministerial” action, as defined in 14 Cal. Code Regs. § 15369, mandated pursuant to Government Code Section 65589.7 and thus is not a “discretionary” action subject to CEQA; and (2) The adoption of this Resolution does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, especially given that the Resolution is nearly identical to Resolution No. 06-692 which is already in effect. For the foregoing reasons, the adoption of this Resolution is not subject to CEQA.

7. This Resolution replaces and supersedes Resolution No. 06-692.

PASSED AND ADOPTED this 15th day of November 2022, by the following vote of the Board of Directors of the Goleta West Sanitary District:

AYES: Bearman, Geyer, Lewis, Meyer
NOES: None
ABSTAIN: None
ABSENT: Turenchalk



Brian McCarthy, Secretary

APPROVED



Larry Meyer, President