RESOLUTION - ACTION REQUESTED 2014-292

MEETING: June 17, 2014

TO: The Board of Supervisors

FROM: Peter Rei, Public Works Director

RE: Adoption of a Resolution Ceasing the Sale of EDUs and Limiting Water Usage in Yosemite West

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution Ceasing the Sale of Equivalent Dwelling Units (EDUs) and Limiting Water Usage in Yosemite West per Mariposa County Code Section 13.28.

On May 20, 2014 the Board accepted a report from Provost and Pritchard Engineering which analyzed the capacity of the sewage disposal system (leachfields and subsurface drip irrigation system) at Yosemite West. That newly published report states that the capacity of the leachfields at Yosemite West is 35,000 gallons per day. This figure is a much lower figure than the full build-out day capacities of 112,595 gallons per day in dry weather and 116,205 gallons per day in wet weather that were included in the December 2000 Yosemite West Build-out Report prepared by Psomas.

In 2002 the Board approved Section 13.28 of the Mariposa County Code allows for regulation of water usage and the issuance of EDU’s in the Yosemite West Subdivision when “the sewer capacity will not permit sewer hookups sufficient to allow full build-out of all lots to a minimum of one three bedroom, two bath single family residence per lot, the district shall limit water usage of each lot to a level to allow for full build-out.”

As stated above, Section 13.28 defines an EDU as a 3 bedroom 2 bathroom house. Should a property owner desire to build a house with more bedrooms and/or bathrooms they are required to purchase additional EDU’s. Section 13.28 further states that the sale of additional Equivalent Dwelling Units (EDU’s) is dependent on the availability of “excess” capacity in the wastewater treatment and disposal system. When no excess capacity is available all construction must conform to the permitted EDU amount, which is a 3 bedroom 2 bathroom house.

The original amount of "excess" EDU’s was determined in the Engineer’s Report for Assessment District No. 01-1 (Yosemite West Wastewater Facilities Project). As of May 29, 2014 a total of 17.7 EDU’s remain unsold and will be available for purchase unless the Board adopts the provisions of Section 13.28 to prohibit further sales.
In order for the provisions of Code Section 13.28 to be in force the Board must adopt a Resolution specifically implementing the provisions of the Code Section.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On May 20, 2014, the Board received a report by Provost and Pritchard on the state of Yosemite West Waste Water Treatment Plant.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The Board could choose not to implement Code Section 13.28. Doing so would allow the continued sale of EDU’s at a time when the capacity of the wastewater treatment and disposal system is not adequate to handle additional flows.

ATTACHMENTS:
Mariposa County Code - Chapter 13.28 (PDF)
Chapter 13.28 resolution final (DOC)
Letter from David and Nancy Stankey against Water Restrictions (PDF)
Letter from Brian Smith Against Water Restrictions (PDF)
Letter from Holly B. Webb against Water Restrictions (PDF)
Letter from Jody Brady Against Water Restrictions (PDF)
Letter from Seymour Zemlyn Against Water Restrictions (PDF)
Letter from Glenda Graham Against Water Restrictions (PDF)
Letter Ahmad J Mojadidi Against Water Restrictions (PDF)
Fax from Debra Kroon against YW Water Restrictions (PDF)
Letter from Ken LeBlanc (PDF)
Letter from Virginia Fruin (PDF)
Email from Herb Stroh (PDF)
Letter from Bryce Ruschhaupt (PDF)
Letter from Tristan L. Welch (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Mary Hudson, Deputy CAO 6/11/2014

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier
MARIPOSA COUNTY RESOLUTION NO. 14-292

RESOLUTION FOR
IMPLEMENTATION OF CHAPTER 13.28 OF MARIPOSA COUNTY CODE

WHEREAS, the Board of Supervisors in 2002 enacted the Yosemite West Maintenance District Flow Control ordinance, known as Chapter 13.28, that established a process to adjust water allotments to property owners within the Yosemite West Subdivision; and

WHEREAS, the primary goal of Chapter 13.28 is to insure that the volume of effluent needing to be treated at the Yosemite West Wastewater Treatment Plant does not exceed the capacity of said Treatment Plant; and

WHEREAS, implementation of the provisions of Chapter 13.28 “shall only be in full force and effect upon adoption of a resolution by the district (Board of Supervisors) implementing the regulations contained herein;” and

WHEREAS, Chapter 13.28 establishes the standard for an Equivalent Dwelling Unit to be one three bedroom, two bathroom single family residence per lot; and

WHEREAS, Chapter 13.28 requires that the Public Works Department be responsible for the management and administration of “surplus Equivalent Dwelling Units”; and

WHEREAS, Chapter 13.28 requires that additional Equivalent Dwelling Units be acquired for new construction that exceeds the standard of one three bedroom, two bathroom single family residence per lot; and

WHEREAS, Chapter 13.28 requires that when the Public Works determines that there are no surplus Equivalent Dwelling Units available “construction must conform to the permitted Equivalent Dwelling Unit amount;” and

WHEREAS, based on the conclusions of the Yosemite West Wastewater Treatment Plant Disposal Facilities Evaluation report dated April 2014, as prepared by Provost and Pritchard Engineering, which states that the capacity of the Yosemite West Wastewater Treatment Plant disposal capacity using the existing leachfields is currently 30,000 gallons per day; and

WHEREAS, Public Works Special Districts staff recently supervised a contractor to install a new flowmeter at the Yosemite West Wastewater Treatment Plant which has recorded flows during the month of May 2014 as high as 53,000 gallons per day;

NOW, THEREFORE BE IT RESOLVED, that the Mariposa County Board of Supervisors hereby directs the following:
1. The provisions of Chapter 13.28 shall be authorized to be in full force and effect.

2. That the Public Works Director prepare the engineers report, as required in Chapter 13.28, including the calculations to determine the appropriate volumetric flow allocations per Equivalent Dwelling Unit.

3. That no additional Equivalent Dwelling Units be approved in the Yosemite West Subdivision until such time as the Yosemite West Wastewater Treatment Plant capacity can be demonstrated to be sufficient to collect, treat and dispose of the effluent for full build-out of the subdivision as defined in the Yosemite West Subdivision Build-Out Report prepared by Psomas Engineering dated December 1, 2000. These full build-out flows are shown in the report to be 112,595 gallons per day in dry weather and 116,205 gallons per day in wet weather.

PASSED AND ADOPTED this 17th day of June 2014 by the Mariposa County Board of Supervisors by the following vote:

AYES: Stetson, Jones, Bibby, Cann, Carrier
NOES: None
ABSENT: None
ABSTAINED: None

KEVIN CANN, Chair

ATTEST:

RENE LaROCHE, Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem, County Counsel