

RESOLUTION NO. 25260

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA GRANTING UTILITY CERTIFICATES FOR WATER SERVICE TO NINE UNINCORPORATED PROPERTIES WITH CONTAMINATED WELLS ALONG TODD ROAD - FILE NUMBER UC02-004

WHEREAS, on April 5, 2002, an application was filed with the Department of Community Development requesting Utility Certificates for water service to nine unincorporated properties with contaminated wells; and

WHEREAS, the properties are described as follows:

Address	Assessor's Parcel No.	Property Owner(s)	Size	Existing Use per County Assessor's records	Urban Boundary	General Plan Land Use Designation
300 Todd Rd	134-171-049	W F & H M Hendrickson	0.90 acre	One Single Family Residence (SFR); 1,746 square feet (sf); 3 bedrooms (br)	Inside	City General Plan: General Industry
306 Todd Rd	134-171-051	Ann R. Stella Tr	19.02 acres	One SFR; 1,025 sf; 2 br	Outside	County Gen. Plan: Rural Residential 5 acre minimum lot size
311 Todd Rd	134-102-070	Richard A. Zappa, Tr Et Al	4.67 acres	One SFR; 1,173 sf; 2 br	Inside	City General Plan: General Industry
330 Todd Rd	134-171-006	James & Maritza Wilson	1.00 acre	Two SFR's: (1) 840 sf; 3 br. (2) 720 sf; 1 br.	Outside	County Gen. Plan: Rural Residential 5 acre minimum lot size
348 Todd Rd	134-171-005	R H Richter Construction, Inc.	5.25 acres	One SFR; 924 sf; 2 br	Outside	County Gen. Plan: Rural Residential 5 acre minimum lot size
365 Todd Rd	134-102-024	J.E. McCaffrey Co.	2.50 acres	Bulk fuel facility; 6,800 sf	Inside	City General Plan: General Industry
369 Todd Rd	134-101-023	Robert S. Kolodge/Myma Trust	2.50 acres	Auto body shop; 5,964 sf	Inside	City General Plan: General Industry
376 Todd Rd	134-171-004	Independent Construction Co. Inc.	40.25 acres	Two SFR's; (1) 1,286 sf; 3 br; (2) 804 sf; 2 br.	Outside	County Gen. Plan: Rural Residential 5 acre minimum lot size
423 Todd Rd (aka 423 Bane & 423 Juniper Ave)	134-102-006	Zelrose Inc.	5.75 acres	Undeveloped; part-time caretaker in mobile home.	Inside	City General Plan: General Industry

WHEREAS, a letter from the County of Sonoma Department of Health Services dated January 17, 2002, confirms a health risk at the nine subject properties; and

WHEREAS, a letter from the County of Sonoma Department of Health Services dated May 22, 2000, concurs with the conclusion of the feasibility study for supplying alternate water to impacted properties that the best alternative is to connect the affected properties to Santa Rosa city water; and

WHEREAS, a letter from the County of Sonoma Department of Health Services dated March 8, 2000, and a letter from County of Sonoma Department of Health Services dated March 10, 2000, require the responsible party to supply the domestic well users who have been impacted by a release of petroleum hydrocarbons and methyl tertiary-butyl ether (MTBE) an alternative potable water source; and

WHEREAS, a letter from the County of Sonoma Permit and Resource Management Department dated January 15, 2002, indicates that the proposal to connect properties within and outside the urban boundary to City water appears consistent with the General Plan, subject to certain conditions; and

WHEREAS, the extension of water mains to serve existing uses is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303(d); and

WHEREAS, City Council Policy 300-02, *Utility Certificates for the Extension of Water or Sewer Service to Unincorporated Areas*, sets forth the circumstances under which the City will consider approving the extension of water or sewer services to property situated outside the City limits and the conditions that will be attached to any approval which is granted; and

WHEREAS, the Council of the City of Santa Rosa finds and determines that:

- (1) A public health hazard exists on all nine properties identified herein due to domestic well contamination by petroleum hydrocarbons and methyl tertiary-butyl ether (MTBE).
- (2) The contaminated domestic wells and lack of suitable and feasible alternatives to city water comprise extraordinary circumstances.
- (3) The best alternative for providing a safe, long term source of domestic water is City water service.
- (4) The provision of water service outside the urban boundary is consistent with General Plan Policy PSF-5e, which states, "Decline requests for extension of sewer and water services beyond the Urban Boundary, except in cases of existing documented health hazards and in areas where the City has agreements to provide services" in that there is a documented health hazard, or potential health hazard, on these nine parcels.

- (5) The provision of water service to the properties inside and outside the urban boundary is consistent with Council Policy 300-02 in that:
- (a) Existing uses at properties located at 365, 369 and 423 Todd Road may be granted a Utility Certificate for the provision of water in that they are consistent with the criteria set forth in Rule 1: General Rule;
 - (b) Existing uses at properties located at 300 and 311 Todd Road may be granted a Utility Certificate for the provision of water under policy section C.9 by Council waiver of the requirement that these parcels be consistent with the General Plan; and
 - (c) Existing uses at properties located at 306, 330, 348 and 376 Todd Road, outside the urban boundary, may be granted a Utility Certificate for the provision of water under policy section C.8 in that extraordinary circumstances are found to exist.
- (6) Extension of City water service to the subject properties would be beneficial to the public health, safety and welfare in that the water connection would alleviate documented public health hazards resulting from contaminated domestic wells.
- (7) The extension of services approved by the Utility Certificate would be limited to the specific uses currently existing on the properties.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa grants Utility Certificates for water service to the properties identified herein and identifies as Assessor's Parcel Numbers 134-171-049, 134-171-051, 134-102-070, 134-171-006, 134-171-005, 134-102-024, 134-101-023, 134-171-004, and 134-102-006.

BE IT FURTHER RESOLVED that this approval is valid only for the existing uses as of the date of this resolution; this approval is not valid for any expansions or alterations of existing uses.

BE IT FURTHER RESOLVED that all water connections shall be made within one year of the date of this approval. For any water service connection made within one year, the service shall remain a legal connection as long as the existing use as of the date of this approval remains. For any water connection that is not made within one year, the Director of Community Development or his designee may approve or conditionally approve a time extension of up to one year provided that a request for such time extension is made prior to the expiration of this approval.

BE IT FURTHER RESOLVED that this approval would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions

for achieving the purposes and intents of such approval. The approval of this project is contingent upon compliance with all the conditions listed below:

FIRE DEPARTMENT

For properties inside the urban boundary:

1. Provide the Fire Department assurance sufficient fire flow is available for the area buildings and operations (SRCC 18-44.903.3).
2. Provide fire hydrants 300 feet on center and within 150 feet of any building, in accordance with city ordinance (SRCC 18-44.903.3.1).
3. Provide fire access roads to within 150 feet of all first floor walls of any building (CFC 902).

DEPARTMENT OF COMMUNITY DEVELOPMENT - ENGINEERING DIVISION

4. Improvement Plans are required for the City Engineer's signature for the water main construction in the public right-of-way.

UTILITIES DEPARTMENT

5. The engineer must provide a detailed utility plan showing onsite and offsite water and fire protection systems (if required by the City), and their connections to existing water facilities. The plan must also show any wells existing or to be abandoned. An irrigation plan showing maximum GPM flow required at each control valve, maximum GPM flow at meter, peak month usage, and connections to existing facilities must be provided for the commercial uses that request an irrigation meter. Submit improvement plans for the City Engineer's signature.
6. Demand fees, meter installation fees, and processing fees required by the City must be paid by the applicant prior to granting of utility connections. Commercial uses must submit the maximum GPM flow at the meter and the peak monthly usage for the domestic use to determine the demand fee.
7. Wells exist on the properties and one of the following conditions apply:
 - a. Retention of wells must comply with City and County codes. Retention of wells must be approved by the Sonoma County Permit and Resource Management Department. An approved backflow prevention device must be installed on any connection to the City water system.
 - b. Abandonment of wells requires a permit from the Sonoma County Permit and Resource Management Department.

8. Water mains must be installed per current City Standards. All water mains must be a minimum of 12" diameter. All public mains must be a minimum of 5 feet from all structures, curbs, property lines or edge of easement. The current City of Santa Rosa Southwest Area Plan calls for the installation of a 12" water main along this section of Todd Road in the future.
9. Separate water services must be provided for each lot. Water services must be installed per current City Standards. Separate 1" water services are required per City Standard #863 for the residential parcels and a minimum 2" water service for the commercial parcels. If 2" meters are not needed for the commercial uses the meter may be smaller than 2" but the service must be a 2". If public and/or private fire hydrants are allowed for the commercial parcels, combination services will be required for the public fire hydrant, domestic, irrigation and fire services. All meter boxes must have touch read lids. Backflow devices may be required on commercial lots depending on the type of use on the property.
10. Connection to the existing water main will require a shutdown for a tie in inspection. There is a 12" stub from the main in Todd Road at Standish Avenue. Call Utilities Engineering for fees and scheduling. Advance notice is required.

Note: There is a private 4" high pressure natural gas main in Todd Road. Contact Sonoma County Transit at 585-7516 as well as USA.

11. If public water is requested for irrigation purposes, the applicant must install separate irrigation service(s) with a reduced pressure principle backflow device(s) per current City Standard #876. Meter size is dependent on peak demand and will be determined upon review of irrigation plans. Irrigation demand, processing and meter fees must be paid prior to issuance of permits.
12. Utilities Engineering provides the mapping of private onsite water mains and fire hydrants for the Fire Department and processes the fee collection and meter installation for the firelines. If public and/or private fire hydrants are allowed, provide two copies of the approved onsite plans showing private firelines and private fire hydrant locations to the Utilities Engineering Division prior to requesting meter sets and commencing service.
13. An Annexation Covenant prepared by the City must be executed by the property owners of all properties within the Urban Boundary prior to the water connection. The property owners must submit to Utilities Engineering a copy of the applicable grant deed and any additional information requested to show proof of title. An Annexation Covenant will not be required by the City for properties outside the Urban Boundary.
14. City and County Encroachment Permits are required for all work within the right-of-way.

**THE COUNTY OF SONOMA
PERMIT & RESOURCE MANAGEMENT DEPARTMENT**

For properties outside of the County's Urban Service Boundary:

15. The applicable responsible agencies must verify in writing that a public health threat exists which can only be resolved by extension of City water service to the impacted properties.
16. All properties served must adjoin the Urban Service Boundary (USB) along Todd Road.
17. Any water service extensions may serve existing development only. This could best be addressed by appropriate conditions in the Out-of-Service Area Agreement.
18. All applicable applications, demand and processing fees must be paid to the City.
19. The on-site water lines extended from the water mains to buildings are subject to any applicable County Plumbing Permits.
20. The City must verify that service capacity is available.
21. Any contaminated wells replaced by water service must be brought into conformance with the County well ordinance.
22. The water service extensions must be approved through an Out-of-Service-Area Agreement between the applicant and LAFCO.

IN COUNCIL DULY PASSED this 28th day of May, 2002.

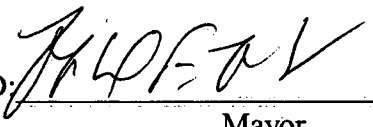
AYES: (7) Mayor Martini; Councilmember Wright, Bender, Condrón, Vas Dupre,
Evans, Rabinowitsh

NOES: (0)

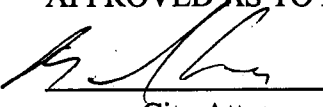
ABSENT: (0)

ABSTAIN: (0)

ATTEST: 
Assistant City Clerk

APPROVED: 
Mayor

APPROVED AS TO FORM:


City Attorney