RESOLUTION NO. 1325

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES RECOMMENDING THAT THE CITY COUNCIL RE-ADOPT POLICY NO. 200-20 PROVISION OF PRIORITY WATER SERVICE TO RESIDENTIAL DEVELOPMENTS WITH AFFORDABLE HOUSING UNITS AND POLICY NO. 200-21 PROVISION OF PRIORITY SEWER SERVICE TO RESIDENTIAL DEVELOPMENTS WITH AFFORDABLE HOUSING UNITS

WHEREAS, the California legislature has declared the lack of affordable housing is a matter of vital statewide importance; and

WHEREAS, the City of Santa Rosa is committed to the fair and equitable provision of water and sewer services to persons and entities within its service area, in conformance with state law and City policies; and

WHEREAS, California Government Code Section 65589.7 enhances the priority granted to lower-income housing by requiring public agencies that provide water or sewer services to adopt written policies and procedures with specific objective standards for providing priority service to residential developments with lower income housing by July 1, 2006, and at least once every five years thereafter; and

WHEREAS, on October 17, 2006, the City Council adopted Policy No. 200-20 Provision of Priority Water Service to Residential Developments with Affordable Housing Units and Policy No. 200-21 Provision of Priority Sewer Service to Residential Developments with Affordable Housing Units to comply with Government Code Section 65589.7; and

WHEREAS, on August 30, 2011, the City Council re-adopted Policy No. 200-20 Provision of Priority Water Service to Residential Developments with Affordable Housing Units and Policy No. 200-21 Provision of Priority Sewer Service to Residential Developments with Affordable Housing Units as amended; and

WHEREAS, re-adoption of these policies regarding provision of priority water and sewer service to residential developments with affordable housing will allow the City of Santa Rosa to remain in compliance with Government Code Section 65589.7; and

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NOW, THEREFORE, BE IT RESOLVED that the Board of Public Utilities recommends that the City Council re-adopt Policy No. 200-20 Provision of Water Service to Residential Developments with Affordable Housing Units attached hereto as Exhibit A and Policy No. 200-21 Provision of Sewer Service to Residential Developments with Affordable Housing Units attached hereto as Exhibit B.

DULY AND REGULARLY ADOPTED by the City of Santa Rosa Board of Public Utilities this 3rd day of August, 2023.

AYES: (7) Chair Galvin III, Vice Chair Arnone, Board Member Badenfort, Board Member Bartholow, Board Member Walsh, Board Member Watts, and Board Member Wright

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

APPROVED: /S/
Daniel J. Galvin III, Chair

ATTEST: /S/
Michelle Montoya, Recording Secretary

APPROVED AS TO FORM:

/S/
Morgan Biggerstaff, Assistant City Attorney

Exhibit A: Policy 200-20

Exhibit B: Policy 200-21

EXHIBIT A

COUNCIL POLICY			
Subject:	Policy Number	Effective Date	Number of Pages
PROVISION OF PRIORITY WATER SERVICE TO RESIDENTIAL DEVELOPMENTS WITH AFFORDABLE HOUSING UNITS	200-20	09/26/2023	Page 1 of 2

I. PURPOSE

The purpose of this policy is to provide the City of Santa Rosa's written policy on the prioritization of providing water service to residential developments with affordable housing units.

II. BACKGROUND

Government Code Section 65589.7 requires agencies which provide water or sewer services to adopt written policies and procedures which provide for priority of the provision of water and sewer services to proposed housing developments that help meet the regional need for very low and low income housing and bans the denial or the conditioning of approval of an application for services, or reducing the amount of the services applied for, merely because a proposed development includes affordable housing components, except in limited circumstances.

III. POLICY

A. Water Service

The City of Santa Rosa, to the extent practical, will provide water service when:

1) Sufficient water supply and distribution capacity is available to accommodate the demand approved by the City within the service area, in accordance with the General Plan;
2) The proposed development can be served water in a fashion that meets the City's criteria. Approval of applications for connection to the City's water system shall not be based on the presence or absence of affordable housing or low-income households.

B. Provision of Service During Times of Available Capacity

In times where the City of Santa Rosa has available water supply and capacity in its water distribution system, the provision of public water service to eligible residential housing developments will be on an income neutral basis.

C. Provision of Service During Times of Limited Capacity

In the event of service limitations due to supply, capacity or regulatory constraints, water service priority shall be given to planned developments that include housing units affordable to very low and low income households in accordance with Government Code Section 65589.7 (SB 1087, 2005), and the limitations set therein.

D. Service Approval and Application Review

The City shall not deny or condition approval of an application for services to or reduced the amount of services applied for by a proposed development that includes housing units affordable

to very low and low income households, unless the City makes specific written findings that the denial, condition or reduction is necessary due to the existence of one or more of the following:

1) The City does not have sufficient water supply available, as demonstrated by written engineering analysis and a report on the condition of the water supply, to serve the needs of the proposed development.
2) The City does not have sufficient water system transmission capacity available, as demonstrated by written engineering analysis and a report on the condition of the water system transmission capacity, to serve the needs of the proposed development.
3) The applicant has failed to agree to reasonable terms and conditions relating to the provision of water service generally applicable to development projects seeking water service from the City, including but not limited to, the requirements of local, state or federal laws and regulations or payment of demand fees.

E. Review and Adoption/Readoption

At least once every five years after July 1, 2006, the City Council shall review and adopt, or readopt, a policy and procedures regarding the prioritization for provision of water services to proposed developments that include housing units affordable to very low and low income households. This policy and procedures shall take into account the following information:

1) Regulations and restrictions adopted by the City relating to water shortage emergencies; and
2) The availability of water supplies as determined by the City pursuant to its most recently adopted Urban Water Management Plan.

Adopted by Resolution No. xxxxx	September 26, 2023
Adopted by Resolution No. 27963	August 30, 2011
Adopted by Resolution No. 26691	October 17, 2006

EXHIBIT B

COUNCIL POLICY			
Subject:	Policy Number	Effective Date	Number of Pages
PROVISION OF PRIORITY SEWER SERVICE TO RESIDENTIAL DEVELOPMENTS WITH AFFORDABLE HOUSING UNITS	200-21	09/26/2023	Page 1 of 2

I. PURPOSE

The purpose of this policy is to provide the City of Santa Rosa's written policy on the prioritization of providing sewer services to residential developments with affordable housing units.

II. BACKGROUND

Government Code Section 65589.7 requires agencies which provide water or sewer services to adopt written policies and procedures which provide for priority of the provision of water and sewer services to proposed housing developments that help meet the regional need for very low and low income housing and bans the denial or the conditioning of approval of an application for services, or reducing the amount of the services applied for, merely because a proposed development includes affordable housing components, except in limited circumstances.

III. POLICY

A. Sewer Service

The City of Santa Rosa, to the extent practical, will provide sewer service when:

1) Sufficient capacity is available to accommodate the demand approved by the City within the service area, in accordance with the General Plan;
2) The proposed development can be served sewer in a fashion that meets the City's criteria. Approval of applications for connection to the City's sewer system shall not be based on the presence or absence of affordable housing or low-income households.

B. Provision of Service During Times of Available Capacity

In times where the City of Santa Rosa has available capacity in its sewer collection, treatment and disposal facilities, the provision of public sewer service to eligible residential housing developments will be on an income neutral basis.

C. Provision of Service During Times of Limited Capacity

In the event of service limitations due to capacity or regulatory constraints, sewer service priority shall be given to planned developments that include housing units affordable to very low and low income households in accordance with Government Code Section 65589.7 (SB 1087, 2005), and the limitations set therein.

D. Service Approval and Application Review

The City shall not deny or condition approval of an application for services to or reduced the amount of services applied for by a proposed development that includes housing units affordable to very low and low income households, unless the City makes specific written findings that the denial, condition or reduction is necessary due to the existence of one or more of the following:

EXHIBIT B

1) The City does not have sufficient treatment or collection transmission capacity, as demonstrated by written engineering analysis and a report on the condition of the treatment or collection system capacity, to serve the needs of the proposed development.
2) The Santa Rosa subregional sewerage system is under an order issued by the Regional Water Quality Control Board that prohibits new sewer connections.
3) The applicant has failed to agree to reasonable terms and conditions relating to the provision of sewer service generally applicable to development projects seeking sewer service from the City, including but not limited to, the requirements of local, state or federal laws and regulations or payment of permit connection fees.

E. Review and Adoption/Readoption

At least once every five years after July 1, 2006, the City Council shall review and adopt, or readopt, a policy and procedures regarding the prioritization for provision of sewer services to proposed developments that include housing units affordable to lower income households. This policy and procedures shall take into account the following information:

1) Regulations and restrictions adopted by the City relating to water shortage emergencies;
2) The availability of water supplies as determined by the City pursuant to its most recently adopted Urban Water Management Plan; and
3) Plans, documents and information relied upon by the City that provide a reasonable basis for making service determinations.

Adopted by Resolution No. xxxxx September 26, 2023
Adopted by Resolution No. 27963 August 30, 2011
Adopted by Resolution No. 26691 October 17, 2006