

RESOLUTION NO. 26691

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING COUNCIL POLICY NO. 200-20, "PROVISION OF PRIORITY WATER SERVICE TO RESIDENTIAL DEVELOPMENTS WITH AFFORDABLE HOUSING UNITS" AND COUNCIL 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, Government Code Section 65589.7 enhances the priority granted to lower-income housing by requiring that public agencies that provide water or sewer services shall adopt written policies and procedures with specific objective standards for providing priority service to residential developments with lower income housing; and

WHEREAS, the adoption of the policies regarding provision of priority water and sewer service to residential developments with affordable housing will bring the City of Santa Rosa into compliance with new Government Code 65589.7; and

WHEREAS, on September 21, 2006, the Santa Rosa Board of Public Utilities, by resolution, recommended that the Council adopt these policies.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa adopts Council Policy No. 200-20, "Provision of Water Service to Residential Developments with Affordable Housing Units" attached hereto as Exhibit "A" and Council Policy No. 200-21 "Provision of Sewer Service to Residential Developments with Affordable Housing Units" attached hereto as Exhibit "B"

IN COUNCIL DULY PASSED this 17th day of October, 2006.

AYES: (6) Mayor Bender; Councilmembers Blanchard, Condron, Martini, Rabinowitsh, Sawyer

NOES: (0)

ABSENT: (1) Councilmember Pierce

ABSTAIN: (0)

ATTEST: [Signature]
City Clerk

APPROVED: [Signature]
Mayor

APPROVED AS TO FORM:
[Signature]
City Attorney

COUNCIL POLICY			
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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 lower 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 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

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to lower 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 Board of Public Utilities 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 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; and
- 2) The availability of water supplies as determined by the City pursuant to its Urban Water Management Plan.

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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 lower 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 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 lower 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:

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- 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 Board of Public Utilities 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 Urban Water Management Plan; and
- 3) Plans, documents and information relied upon by the City that provide a reasonable basis for making service determinations.