



Engineering Division

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REQUESTS FOR OUTSIDE OF CITY UTILITY SERVICES (Outside Service Area Agreements)

You have inquired about the process involved in obtaining a connection to the City of Sebastopol Municipal Sewer and/or Water Systems. This package contains information on this process and costs involved, where they are known.

1. Application Form (Incomplete applications will be returned to applicant.)

Your completed application package will consist of the following items:

- o Original application form, completely filled out, and signed by the Property Owner of record.
- o *Required documentation as to the legal status of existing development on the parcel.
- o *Required documentation as to the existing or potential threat to public health and safety necessitating a connection to City utilities.
- o A deposit payable to the City of Sebastopol, in the amount of \$1,500.00.
** Effective August 5, 2009 the Sonoma County Local Agency Formation Commission (LAFCO) requires written documentation from the Sonoma County Permit and Resource Management Department to substantiate the legal status of existing development on the site, and to verify an existing or potential threat to public health and safety, as a prerequisite to approval of an outside of City utility connection. The City can no longer accept applications without this documentation.*

2. Example of Standard Conditions of Approval for Outside of City Utilities Requests

The Standard Conditions of Approval that are attached apply to most outside of City utilities requests. However, you should be aware that each individual request presents unique circumstances that must be taken into account in considering the request for City services, and that additional conditions may be required if your application is approved. You will be informed of the proposed conditions of approval for your application prior to consideration of your request by the City Council, and will have an opportunity to appear and speak when your application is heard.

3. List of potential fees associated with processing of Outside of City Utilities Requests

This is a list of some, but not necessarily all, of the fees required in order to complete a hookup to City services. Not included here are the costs of engineering professional services or construction costs of sewer and water mains, service laterals, or other associated work which may be required.

Your application, once complete, will be reviewed by Engineering and other City departments' staff, and you will be informed as to the recommendation. Staff will then schedule the matter for the next available City Council agenda for consideration of approval or denial, depending on the Staff's determination. You will be notified of the date of the Council hearing, and provided with a copy of the Staff Report. You may attend the Council meeting and speak if you so desire. Normally, applications recommended for approval by the Council are placed on the consent calendar and are approved en masse with other items without discussion. If the request is approved by the City Council, then a letter will be sent to you outlining in detail the steps you need to take to complete all the paperwork, secure construction permits and proceed to construction. You should plan on a minimum of 8-10 weeks from the date of Council approval to the date on which the actual hookup is completed, and longer in some cases.

PLEASE NOTE

This application form is for properties located outside of the city limits, but within the city's urban growth boundary (Sphere of Influence). If your property is outside the City's UGB, please contact the Engineering Division for more information.



CITY OF SEBASTOPOL
 Engineering Division
 714 Johnson Street
 Sebastopol, CA 95472
 (707) 823-2151 Phone
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APPLICATION FORM FOR
OUTSIDE SERVICE AREA AGREEMENT
 (Outside of City Sewer and Water Services)

Property Address: _____ Assessor's Parcel No: _____

Type of Service Requested: Sewer Only Water Only Sewer and Water

Owner of Record

Name: _____
 Mail Address: _____
 City, State, Zip: _____
 Phone: _____
 Fax: _____
 e-mail: _____

Signature

Date: _____

Applicant (if other than Owner)

Name: _____
 Mail Address: _____
 City, State, Zip: _____
 Phone: _____
 Fax: _____
 e-mail: _____

Signature

Date: _____

Parcel Information

1. Parcel Size (Acres): _____ Existing Land Use: _____

2. Describe existing development on the parcel. (Outside of City services are for existing development only.)

Status of Existing Development (Check One): Legal Legal Non-Conforming

Documentation of Legal Status of Existing Development is attached (required).

NOTE: You must provide documentation from the Sonoma County Permit and Resource Management Department (PRMD) regarding the status of existing development. (See Attachment entitled "City of Sebastopol, Outside of Service Area Agreements")

3. Reason for Requesting City Services:

Documentation of existing or potential threat to public health and safety is attached (required).

NOTE: You must provide documentation from PRMD Well and Septic Division of an existing or potential threat to public health or safety as a part of your complete application. (See Attachment entitled "City of Sebastopol, Outside of Service Area Agreements")

4. Additional Information: *(Please attach additional sheets as necessary.)*

For Office Use Only

Deposit Received:\$ _____

Receipt No: _____

Date: _____

Application Complete

Engineering File No: _____

EXAMPLE
CITY OF SEBASTOPOL ENGINEERING DIVISION
Typical Conditions of Approval for Outside Service Area Agreements

1. Applicant shall be responsible for construction of City water main / sewer main extension within (street) to serve this property. Improvement Plans for construction shall be prepared by a Registered Civil Engineer and submitted to the Sebastopol Engineering Division for Engineering Plan Check. All work shall be in accord with City standards.
2. Applicant shall be responsible for construction of water service lateral / sewer lateral connections to City mains in accord with City standards.
3. Contractor shall secure all necessary permits prior to beginning construction. **Encroachment Permits from the Sebastopol Public Works Department, Sonoma County Public Works Department and Caltrans are/may be required for construction within the public right of way.**
4. Contractor shall secure a Building Permit from the Sebastopol Building Department for construction of the water service / sanitary sewer lateral on private property and connection to the existing structures.
5. Prior to connection of the existing structures to the City sewer and water systems, Owner shall demonstrate to the satisfaction of the Sebastopol Building Official that all structures have been retro-fit with low-flow fixtures in accordance with current City requirements.
6. Existing well and/or septic tank and disposal field shall be abandoned under permit from and in accordance with the requirements of the County of Sonoma. A copy of the permit shall be provided to the City with evidence of inspection and approval by the County.
7. All applicable City fees shall be paid by applicant prior to issuance of the Building Permit.
8. City will file an application for an Out of Agency Service Agreement (OSAA) with the Sonoma County Local Agency Formation Commission (LAFCO) on behalf of applicant. Applicant shall be responsible for payment of any fees associated with this process. The OSAA must be approved prior to issuance of the Encroachment Permit.
9. Applicant shall execute a Deferred Annexation Agreement prior to issuance of the Encroachment Permit.
10. Prior to final installation of the water meter (or final connection of the building sewer to the City system) applicant shall establish a utility billing account with the City of Sebastopol Finance Department.
11. In the case of a “sewer only” connection, the applicant shall either install a meter on the private domestic supply well, or provide billing statements from the current water purveyor to establish the amount of water usage that is used to calculate the sewer billing. The volume portion of City sewer billings is calculated on the average of the two lowest months’ winter water usage.

FEES FOR OUTSIDE SERVICE AREA AGREEMENTS

Following is a list of the processes and fees normally associated with city processing of outside of city sewer and water connection requests. This is intended to provide a guideline to applicants – other fees may apply as the individual situation dictates. This is not intended to represent a statement of charges due for any particular project.

Fee or Deposit	Purpose	When Payable
\$1,500.00	Deposit for OSAA Application to City (effective 11-1-11)	With Application
Check LAFCO web site for current fee schedule*	http://www.sonomalafco.org/content.aspx?sid=1061&id=2392	On notification of approval of request by City Council.
\$1,200.00	Engineering Plan Check Deposit (if applicable)	On submittal of Improvement Plans
\$480.00	Encroachment Permit Application Fee - Permit is obtained by construction contractor.	Prior to beginning of construction.
\$1,700.00	Public Works Inspection Deposit (for Construction Inspection by Public Works)	Prior to issuance of the City Encroachment Permit
\$6,360	Sewer Connection Fee – (For single-family residence based on ¾” meter)	Prior to issuance of Encroachment Permit
\$660	Sewer Connection Fee – Outside of City surcharge	Prior to issuance of Encroachment Permit
\$3,970	Water Connection Fee (For single-family residence based on ¾” meter)	Prior to issuance of Encroachment Permit
\$1,070	Water Connection Fee – Outside of City surcharge	Prior to issuance of Encroachment Permit
\$65.00	Water Meter Charge – Cost of meter and installation on private well by City personnel.	Prior to final hookup to City sewer. N/A if City Water Service is installed.
Cost borne by applicant.	Notary Fees if service is provided by City. (City Notary service is available, or you can use a notary public of your choice).	Notarization required for Deferred Annexation Agreement
Contact Building Dept.	Building Permit Fee for lateral construction and house connection on private property.	Prior to issuance of the Building Permit. Building Dept. 707-823-8597
Contact Finance Dept.	New Service Fee – charged for setup of billing account with Finance Department and for information about City utility billing rates	Finance Department: 707-823-7863

Other agencies fees (check with appropriate agency):

- County Health Department – Permit to abandon well
- County Health Department – Permit to abandon septic system
- Caltrans – Encroachment Permit for work within state highway
- Sonoma County Public Works – Plan Review and Encroachment Permit fees (for work in County roads)

Note: All fees are subject to change. Fees and deposits will be confirmed at the time of application.

For additional information contact the Sebastopol Engineering Division at 707-823-2151.

Excerpts from LAFCO policies on OSAs. For City applications see highlighted sections.

Policy: Outside Service Area Agreements (OSAA)

Policy

It is the policy of the Commission:

A. The Executive Officer shall have the authority to (1) consult with cities and districts to determine whether their outside service area agreements are subject to Commission review, and (2) review, process, and approve outside service area agreements not exempt under the provisions of Section 56133 of the Government Code to ensure that such agreements comply with those provisions and do not promote growth opportunities without appropriate oversight. The Executive Officer, at his or her discretion, may refer any outside service area agreement to the Commission for approval.

B. Applications for Commission approval of outside service area agreements shall be filed with the Executive Officer by the city or district wishing to provide the service, on forms provided by the Executive Officer. Each application shall indicate the parties to the agreement for which approval is requested, and shall include the required filing fee and any and all other information and materials necessary to process the application.

C. Within 30 days after receipt of an application for Commission approval of an outside service area agreement, the Executive Officer shall:

1) Determine whether the agreement is exempt from Commission approval. The following agreements shall be exempt from Commission approval:

a. Any agreement solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

b. Any agreement for the transfer of nonpotable or nontreated water.

c. Any agreement solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, any agreement for the extension of surplus water service to a

project that will support or induce development shall not be exempt from Commission approval.

d. Any agreement for an extended service that a city or district was providing on January 1, 2001.

e. Any agreement involving a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of its jurisdictional boundaries.

2) For agreements that are not exempt from Commission approval, determine whether the application is complete and acceptable for filing or whether the application is incomplete.

3) If the application is determined not to be complete, immediately notify the city or district applicant of that determination. The notice shall specify those parts of the application that are incomplete and the manner in which they can be made complete.

D. Within 60 days after determining that an application for Commission approval of an outside service area agreement is complete, the Executive Officer shall approve, disapprove, approve with conditions, or refer the agreement to the Commission for approval. The Executive Officer, or the Commission on referral, shall approve or approve with conditions any such agreement only under the following conditions:

1) The affected territory is outside the applicant city's or district's jurisdictional boundaries but within its sphere of influence, and the new or extended services to be provided under the agreement are in anticipation of a later change of organization; or

2) The affected territory is outside the applicant city's or district's jurisdictional boundaries and outside its sphere of influence, the new or extended services to be provided under the agreement are to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, and the following requirements are met:

a. The applicant city or district has provided the Commission with documentation of a threat to the health and safety of the public or the affected residents.

i. An existing on-site sewage disposal system may be deemed a threat to the health and safety of the public or the affected residents if it meets one or more of the following criteria, as determined by a County of Sonoma Permit and Resource Management Department Environmental Health Specialist:

(a) There is ponding or accumulation of wastewater or septic tank effluent at or above the surface of the ground.

(b) There is a lack of an unsaturated vertical soil separation between the bottom of a disposal field and seasonal high groundwater.

(c) There is a failure of the disposal field or septic tank to accept, treat, and dispose of wastewater in quantities discharged by the structure served.

(d) The on-site septic system is within 50 feet of a well or other water source.

(e) Any other condition associated with the operation or use of an on-site sewage system that could permit the exposure, either directly or indirectly, of individuals or domestic animals to inadequately treated wastewater.

ii. An existing water source used for domestic purposes may be deemed a threat to the health and safety of the public or the affected residents if it meets one or more of the following criteria, as determined by a County of Sonoma environmental health specialist:

(a) The water supply is impacted by biological, chemical, or radiological constituents that cannot be adequately or reasonably treated or removed to levels deemed safe for human consumption or contact.

(b) The quantity of the water supply is constantly or periodically inadequate (less than one gallon per minute) to meet the domestic needs for which its use is intended, and additional quantities cannot adequately or reasonably be developed.

(c) Any other condition in which the continued use of an existing water supply could result in negative impacts to human health.

b. The Commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code that has filed a map and a statement of its service capabilities with the Commission.

3) The applicant city or district has the ability to provide the new or extended services to be provided under the agreement without adversely affecting current service levels within its jurisdictional boundaries, and the applicant city or district has approved the agreement.

4) The agreement is the preferred method of providing the new or extended services to be provided under the agreement.

5) The County of Sonoma has determined that the agreement is consistent with the Sonoma County General Plan.

E. Within ten days after the Executive officer approves, disapproves, or approves with conditions an outside service area agreement, any interested person or affected agency may appeal the decision to the Commission by filing a written notice of appeal with the Executive Officer. The notice of appeal shall include the required appeal fee and shall state the reasons for the appeal. The Executive Officer shall set the appeal for hearing at the next meeting of the Commission for which notice can be given pursuant to Sections 56153, 56154, 56158, and 56159 of the Government Code. At the hearing, the Commission shall consider the appeal and receive any oral or written testimony. After the conclusion of the hearing, the Commission may affirm, reverse, or modify the decision of the Executive Officer.

F. Within ten days after the Executive officer approves, disapproves, or approves with conditions an outside service area agreement, any member of the Commission may request the Commission to review the decision by filing a written request with the Executive Officer. The request for review need not state the reasons for the review. The Executive Officer shall set the request for review for hearing at the next meeting of the Commission for which notice can be given pursuant to Sections 56153, 56154, 56158, and 56159 of the Government Code. At the hearing, the Commission shall consider the request for review and receive any oral or written testimony. After the conclusion of the hearing, the Commission may affirm, reverse, or modify the decision of the Executive Officer. A request for review shall not be deemed to be an allegation of any flaw in or a pre-judgment of the Executive Officer's decision, nor shall the fact that a member

of the Commission has filed a request for review affect that member's right to participate in the hearing and to affirm, reverse, or modify the decision of the Executive Officer, unless actual bias or prejudice is otherwise shown.

G. Within 30 days after the Commission disapproves or approves with conditions an outside service area agreement, the applicants may request reconsideration of the decision by filing a written request with the Executive Officer. In all other cases, the decision of the Commission on an outside service area agreement shall be final and conclusive. The request for reconsideration shall include the required reconsideration fee and shall state the reasons for the reconsideration. Reconsideration by the Commission shall be noticed and conducted pursuant to Section 56895 of the Government Code. The determinations of the Commission on reconsideration shall be final and conclusive.

Legal Authority

The Government Code §56133 states in part:

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the Commission in the affected county.

(b) The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.

The Government Code authorizes a city to extend its services beyond its boundaries but clearly indicates that such action would be taken in anticipation of a later change of organization (i.e., annexation).

Background and Discussion

From a LAFCO perspective, an OSAA can:

- Protect the public from impending threats to health and safety
- Impose restrictions that limit development to existing intensities
- Discourage premature development of fringe properties

In many instances, use of an OSAA would provide services to meet the immediate needs of the property owners while allowing the agency sufficient time to develop a more comprehensive and beneficial plan of annexation for the entire territory.

Adopted: August 2006

Amended: February 3, 2010

Policy: Outside Service Area Agreements for Parcels within a City's Sphere of Influence

Policy

The Commission encourages development in cities rather than in unincorporated territory. The Commission recognizes that there may be efficiencies of scale and opportunities to encourage well-planned and phased development by permitting interim Outside Service Area Agreements for existing development, rather than requiring immediate annexation, when a documented threat to the public health or safety exists.

Where existing development is within a city's sphere of influence, and public services, such as water or sewer, are required to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, the Commission will consider approval of an Outside Service Area Agreement.

The Commission, or by direction, the Executive Officer, will consider authorization of an Outside Service Area Agreement for existing development within a city's sphere of influence under the following conditions only:

- A. There is a documented existing or potential threat to public health or safety;
- B. The property owner and city have entered into a recordable agreement that runs with the land, limiting development to existing levels;
- C. A covenant is recorded against the property prohibiting the current and future property owners from protesting annexation to the city; and
- D. The existing development has been determined to be either legal or legally non-conforming by the Sonoma County Permit and Resource Management Department.

The Commission, or by direction, the Executive Officer will not consider authorization of an Outside Service Area Agreement for new development within a city's sphere of influence, unless the new development meets the following criteria:

- A. The new development is a 100 percent affordable project as defined in Section 50079.5 of the Health and Safety code,
- B. The proposed new development is consistent with the City and County General Plans, and
- C. Annexation to the city is not feasible at the time of application

Legal Authority

The Government Code §56133 states in part:

- (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the Commission in the affected county.
- (b) The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.

The Government Code authorizes a city to extend its services beyond its boundaries but clearly indicates that such action would be taken in anticipation of a later change of organization (i.e., annexation).

Background and Discussion

The Commission recognizes that cities are the logical service providers for urban-level development. In those instances where a property with existing development has a failed or failing septic system or well, the Commission will permit an Outside Service Area Agreement, provided that there is adequate assurance that the extension of services is not for new development. The Commission expects the property to be eventually annexed into the city, and the use of an Outside Service Area Agreement is an intermediate step towards annexation.

From a LAFCO perspective, an Outside Service Area Agreement can:

- Protect the public from impending threats to health and safety
- Impose restrictions that limit development to existing intensities
- Permit a city to plan for future development in an orderly manner through the use of traditional zoning or specific plans
- Discourage premature development of fringe properties

The Commission acknowledges that the annexation of individual parcels within a city sphere may be premature and may require more resources than a larger annexation of multiple parcels. In these instances, the use of an Outside Service Area Agreement would provide services to meet the immediate needs of the property owners while allowing the city sufficient time to develop a more comprehensive and beneficial plan of annexation for the entire territory.

Adopted: August 5, 2009

Amended: October 7, 2009, with technical changes

Amended: March 3, 2010