

RESOLUTION NO. 5746

Resolution of the City Council of the City of Sebastopol Authorizing
Connection to the City Sewer and Water Systems and
Authorizing the City Manager to Execute a Deferred Annexation Agreement
for the lands of Kent Don
7395 Fircrest Avenue, Sebastopol, California (APN 060-170-007)

WHEREAS, Kent Don (“Owner”) owns Assessor’s Parcel Number 060-170-007 (“Parcel”), located at 7395 Fircrest Avenue, Sebastopol, CA 95472; and

WHEREAS, the Parcel is located outside the Sebastopol City Limits; and

WHEREAS, the Parcel is within the Urban Growth Boundary of the City of Sebastopol (“City”), as shown on the City’s General Plan Land Use Map; and

WHEREAS, the Owner desires to connect an existing single family residence to the public sewer and water systems;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sebastopol hereby finds, declares, determines and orders as follows:

1. The foregoing recitals are true and correct.
2. The owner desires a connection to the City sewer and water system, in order to abandon a failing well and septic system on the property.
3. That City sewer and water mains are located within Fircrest Avenue fronting the subject parcel.
4. That the preferred alternative is to extend water service from the City through an Outside Service Area Agreement (“OSAA”) because the Parcel is not at this time subject to annexation to the City.
5. That the Parcel is not subject to subdivision or further development now or during the duration of the proposed OSAA; therefore, that the extension of sewer and water services to the Parcel does not increase the potential for development within the subject territory.
6. That the City has the capacity to provide the requested sewer and water services.
7. That the proposed agreement for sewer and water services to the Parcel is consistent with the provisions of the City of Sebastopol General Plan, and with other City policies and resolutions.
8. That the Parcel is not located within the service area of any other City or District having the ability to provide the requested sewer service.
9. That the Owner agrees to annex or support annexation proceedings that would lead to the annexation of the Parcel to the City, and to waive all rights to protest such annexation proceedings, whenever such annexation proceedings are commenced.
10. That the proposed OSAA is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301(b) of the CEQA Guidelines (Title 14 of the California Code of Regulations).

11. That the City's approval of the proposed OSAA with the Owner of the Parcel is conditioned in part on the review and approval of the agreement by the Sonoma Local Agency Formation Commission ("LAFCO"). The proposed agreement is based on and appears to be consistent with the criteria adopted by LAFCO for OSAA's in a case such as this.
12. That it is in the City's interest to provide sewer and water services to the Parcel in that it reasonably increases the City's revenue base with a minimal commitment of system capacity, and that such service will not disadvantage properties within the City boundaries.
13. That the City Council of the City of Sebastopol authorizes sewer and water services to be provided to the Parcel pursuant to the recommended Conditions of Approval and approval of the proposed OSAA.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute an agreement with the Owner to serve the Parcel with sewer and water services limited to the existing single-family residence only.

BE IT FURTHER RESOLVED that staff is directed to file a Notice of Exemption following approval by LAFCO.

IN COUNCIL DULY PASSED this 21st day of April, 2009.

Approved: *Sarah Glade Gurney*
 Mayor
 Gurney

VOTING AYE: Councilmembers Robinson, Wilson, Shaffer, Vice Mayor Kelley and Mayor

VOTING NO: None

ABSENT: None

ABSTAIN: None

ATTEST: *Marye Goudy*
 City Clerk