

CITY OF SEBASTOPOL CITY COUNCIL AGENDA ITEM

| Meeting Date: | November 1, 2022 |
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To: Honorable Mayor and City Councilmembers

From: Mario Landeros, Interim City Engineer

Subject: Approval of Out of Service Area Agreement for Sewer Connection at 286 Eddie Lane

Recommendation: Adopt a Resolution Authorizing Connection to the City Sewer System for the parcel at 286

Eddie Lane, APN 060-290-008

Funding: Currently Budgeted: _____ Yes ____ No _X __ N/A

Account Code/Costs authorized in City Approved Budget (if applicable) ___AK_____ (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

This item is to request the City Council approve and adopt a Resolution allowing the property at 286 Eddie Lane to connect into the City sewer system.

BACKGROUND:

Bryan M. Doherty, Jr. and Marilyn Zick, Trustees for The Zick/Doherty Family Trust U/D/T March 17, 2000 (Owners) are the owners of property located at 286 Eddie Lane (Property), which lies outside the City and the City's Sphere of Influence. Earlier this year in July Owners submitted to the City a request for allowing Property to connect to the City's sanitary sewer system in Eddie Lane. Owners' request includes an application for Out of Service Area Agreement (OSAA), documentation on Property legal status of existing legal non-conforming 3-bedroom single family rural residence within a Diverse Agricultural Zoning District, and documentation of an existing or impending threat to public health and safety due to the non-conforming failing septic system that includes a septic tank in poor condition thus necessitating the request for connection.

DISCUSSION:

Under Municipal Code Section 13.08.200, paragraph F, a connection permit for property outside of the City boundary may be issued pursuant to a City Council resolution approving an out of service area agreement subject to approval of the Sonoma County Local Agency Formation Commission (LAFCO), and under terms and conditions adopted and amended from time to time by the City.

Pursuant to LAFCO policies, the application for approval of an OSAA is to be filed by the City, and once LAFCO has determined that the application is complete, shall approve with or without conditions the OSAA only under enumerated conditions, including the following relevant conditions:

- 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.
- 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.

Documentation prepared by a consultant Environmental Health Specialist of an existing or impending threat to public health and safety due to the non-conforming failing septic system that includes a septic tank in poor condition thus necessitating the request for connection was submitted to the Sonoma County Permit and Resource Management Department (PRMD) for review. PRMD has determined that the existing septic system meets the definition of a non-conforming septic system, the septic tank is in poor condition and the septic system is failing.

The City's sewer system is located in Eddie Lane adjacent to the Property, and is available for the connection requested, and the system capacity is adequate.

GOALS:

This action supports the following City Council Goals and General Plan Actions:

• COS 5: Protect, manage, and enhance groundwater as a valuable and limited shared resource.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

Owners are responsible for all fees and charges, including but not limited to city staff reviews of application and plans, LAFCO application fee, costs for design, permits, construction and inspection, and standard user rates applicable for out of service area connections.

RECOMMENDATION:

Staff recommends that the Sebastopol City Council adopt a resolution allowing the property at 286 Eddie Lane to connect to the City sewer system, subject to an out of service area agreement approval of the Sonoma County Local Agency Formation Commission (LAFCO), and under terms and conditions adopted and amended from time to time by the City.

Attachments:

- 1 Resolution
- 2 Request Application for Out of Service Area Agreement
- 3 Location Map

| RESOLUTION NO. | |
|----------------|--|
|----------------|--|

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
APPROVING AN OUT OF SERVICE AREA AGREEMENT (OSAA) FOR CONNECTION TO THE CITY
SEWER SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE OSAA FOR THE LANDS
OF BRYAN M. DOHERTY, JR. AND MARILYN ZICK, TRUSTEES FOR THE ZICK/DOHERTY FAMILY TRUST
U/D/T MARCH 17, 2000, 286 EDDIE LANE, SEBASTOPOL, CALIFORNIA 95472 (APN 060-290-008)

WHEREAS, Bryan M. Doherty, Jr. and Marilyn Zick, Trustees for The Zick/Doherty Family Trust U/D/T March 17, 2000 ("OWNERS") are the owners of record of Assessor's Parcel Number 060-290-008 ("Property"), located at 286 Eddie Lane, Sebastopol, California, 95472; and

WHEREAS, Property is located outside the City of Sebastopol's jurisdictional boundaries and the City's Sphere of Influence; and

WHEREAS, OWNERS submitted to the City a request for allowing Property to connect to the City's sanitary sewer system in Eddie Lane; and

WHEREAS, OWNERS' request includes an application for Out of Service Area Agreement (OSAA), documentation on Property legal status of existing legal non-conforming 3-bedroom single family rural residence within a Diverse Agricultural Zoning District, and documentation of an existing or impending threat to public health and safety due to the non-conforming failing septic system that includes a septic tank in poor condition thus necessitating the request for connection; and

WHEREAS, pursuant to Municipal Code Section 13.08.200, paragraph F the City of Sebastopol may provide sanitary sewer service outside its jurisdictional boundaries pursuant to City Council approving an out of service area agreement subject to approval of the Sonoma County Local Agency Formation Commission (LAFCO), and under terms and conditions adopted and amended from time to time by the City, when an existing on-site sewage disposal system due to its failing substandard condition as determined by the Sonoma County Permit and Resource Management Department (PRMD) is a threat to the health and safety of the public or the affected residents; and

WHEREAS, the PRMD reviewed the documentation submitted by OWNERS and has determined that: the existing septic system meets the definition of a non-conforming septic system; the septic tank is in poor condition; and the septic system is failing; and

WHEREAS, the City of Sebastopol sanitary sewer system is located in Eddie Lane adjacent to the Property, is available for the connection requested, and the system capacity is adequate.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Sebastopol, as follows:

- 1. Finds the foregoing recitals are true and correct.
- 2. Approves an Out of Service Area Agreement (OSAA) for sewer connection for property located at 286 Eddie Lane, Sebastopol, California, 95472, APN 060-290-008, subject to LAFCO approval and under terms and conditions adopted and amended from time to time by the City.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 1^{st} day of November 2022, by the following vote:

| VOTE: Ayes: Noes: Abstain: Absent: | |
|------------------------------------|------------------------------|
| APPROVED: | |
| | Mayor Patrick Slayter |
| | |
| ATTEST: | |
| Mary Gourley, Assistant C | City Manager/City Clerk, MMC |
| | |
| | |
| APPROVED AS TO FORM: | |
| Larry McLaughlin, (| City Attorney |



CITY OF SEBASTOPOL
Engineering Division
714 Johnson Street
Sebastopol, CA 95472
(707) 823-2151 Phone
(707) 823-4721 Fax

APPLICATION FORM FOR

OUTSIDE SERVICE AREA AGREEMENT

(Outside of City Sewer and Water Services)

| Property Address: 286 Eddie Ln | Assessor's Parcel N | No: <u>060-290-008</u> | |
|--|--|---|--|
| Type of Service Requested: ⊠ Sewer Only | ☐ Water Only | ☐ Sewer and Water | |
| Name: Mail Address: City, State, Zip: Phone: Mail Address: Mail | Applicant (if other Name: Mail Address: City, State, Zip: Phone: Fax: | than Owner) Note Doherty 286 Eddie Ln Sebostopol, CA 95472 (805) 231-1088 | |
| e-mail: bmdohertyir e mocconn Signature 7/21/21 | e-mail: | Habdoberty egmail.com Signature 7/21/21 | |
| Parcel Information | | | |
| 1. Parcel Size (Acres):Existing | Land Use:Ro | ral Residential; Zoned DA | |
| 2. Describe existing development on the parcel. (Outside of City services are for existing development only.) A 3-bedroom house and 2 large borns. | | | |
| Status of Existing Development (Check One): Documentation of Legal Status of Existing Development: NOTE: You must provide documentation from the Sonoma Counthe status of existing development. (See Attachment entitled "Citation of the Status of the Stat | nty Permit and Resource | Management Department (PRMD) regarding | |

3. Reason for Requesting City Services:

Failed septic system, no viable space for an alternative septic, city sewer located at property line.

- 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:\\$ 2,500.00

Pate: 7-25-2022

□Application Complete

Engineering File No: 22-01

Agenda Item Number 7



Kate Doherty <kdbdoherty@gmail.com>

286 Eddie Lane_APN 060-290-008

1 message

Brian Keefer <Brian.Keefer@sonoma-county.org>
To: "kdbdoherty@gmail.com" <kdbdoherty@gmail.com>

Thu, Jul 21, 2022 at 8:33 AM

Hello Kate,

The Assessor's field notes for this property establish that the existing 3-bedroom house was constructed far prior to 1963 when the County started administering building permits. This means your house is a legal non-conforming 3-bedroom single family residence. The historic and legal use of the property is rural residential within a Diverse Agricultural (DA) Zoning District.

Please let me know if you need any further assistance.

Brian Keefer

Ombudsman

www.PermitSonoma.org

County of Sonoma

Administration Division | Customer Service

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-8350 | Office: 707-565-1900





Parcel #: 060-290-008

County Assessor Information

7/26/2022 1:57:52 PM

Situs Address: 286 EDDIE LN

Situs CSZ: SEBASTOPOL, CA 95472

Owner: DOHERTY BRYAN M JR TR & Z

In Care Of:

Address: 496 W AVENIDA DE LAS FLORE

CSZ: THOUSAND OAKS CA 91360

Land Use: RURAL RES/SINGLE RES

Tax Area: 155008

Jurisdiction: COUNTY

Recording#: 2020R047559

Rec Date: 6/16/2020

Land Value: \$371,003

Improvements: \$257,641

Owner Exempt: \$0

Subdivision:

Commercial Units:

Residential Units: 1

Bedrooms: 3

Bathrooms: 1

Main Bldg SqFt: 963

Year Built: 1926

Lot Acres: 1.79

GIS Calculated Information

Local Information

Lot Acres: 1.93

Zoning Code:

Census Tract: 153406

General Plan Code:

Census Block: 1000

Latitude: 38.4090

Longitude: -122.8250

This report is a user generated static output from an Internet mapping site and is for reference only. Data that appear on this report may or may not be accurate, current, or otherwise reliable. GIS Calculated Lot Acres is NOT official. Assessessor Data is maintained by Sonoma County.

Request for Well and Septic Service Item Number 7 WLS-006

| PURPOSE: This form is used to request a paid service | e from the Well & Septic Division of the Permit and | | |
|--|--|--|--|
| Resource Management Department (PRMD) related to application may be required following the requester | o an existing or proposed septic system. A permit | | |
| June 19, 2022 Date of Request | WSR22-0633 SEV Number | | |
| 286 Eddie Lane | High School Road | | |
| Site Address | Cross Street | | |
| Sebastopol, CA 95472 | 060-290-008 | | |
| City/Town Zip | Assessor's Parcel Number | | |
| Tai Nguyen Applicant Name | Bryan Doherty Property Owner's Name | | |
| P.O. Box 11247 Santa Rosa, CA 95406 | | | |
| Mailing Address State/Zip | 286 Eddie Lane in Sebastopol, CA 95472 Mailing Address State/Zip | | |
| (707) 322-5827 | (805) 402-3914 | | |
| Day Phone | Day Phone | | |
| Service Requested: | | | |
| Review of consultant residential finding re | | | |
| Code Enforcement Violation Yes No No | LINE - To Be Completed by PRMD Staff Violation # | | |
| Status | | | |
| Staff Comm | nents/Notations | | |
| | | | |
| The Findings Report has been reviewed. The syst system. The septic tank is in poor condition and t | em meets the definition of a non-conforming septic the septic system is failing. | | |
| Consultant's Findings Report stated that public se | ewer is available within 200 feet from the property. | | |
| Per OWTS Manual Section 2, installation of a new | v or replacement dispersal system OWTS where | | |
| public sewer is available is prohibited. | | | |
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| Chris Luu DN: cn=Chris Luu, o=Permit Sonoma, ou, email=chris.luu@sonoma-county.org.c=US | 7/2/2000 | | |
| Date: 2022.07.01 10:23:23 -07'00' | 7/1/2022 | | |
| Staff Signature | Date Completed | | |

Sonoma County Permit and Resource Management Department

Apex Septic Design, Inc.

Principal Consultant Tai Nguyen, REHS #7177

P.O. Box 11247 Santa Rosa, CA 95406 (707) 322-5827 apexsepticdesign@gmail.com



June 18, 2022

Kate Doherty kdbdoherty@gmail.com

Re: Report of septic system findings, tier 2 at 286 Eddie Lane in Sebastopol, CA 95472

Assessor Parcel Number: 060-290-008

I conducted a septic system evaluation on June 17, 2022 at 11:30 a.m. I found the following:

Permit History

I completed a septic record research at the Sonoma County Permit and Resource Management
Department. There is a well permit approved in 1986. In 2020, a pre-perc was conducted to
determine the soil characteristic to install a new septic system.

Site Observation

2. The septic tank and leach lines are more than 50 feet away from the site water well. The down-spouts of the house's roof drainage are diverted away from the leach field. The house has been occupied by 1 person. There is a drainage ditch as noted on the attached site plan. The property owner described the soil on the subject parcel to be saturated, ponded water with storm drainage in the winter; this is evidence by photos taken by the owner, see pages 8-10.

Septic Tank

3. The septic tank is located at the east side of the house, 36 feet away from the house and buried under 9 to 12 inches to soil cover. The septic tank wasn't pumped during my inspecting since it had been pumped by Felix from Vineyard Septic Service on September 4, 2019. There was .5 inches of scum and 4 inches of sludge in the inlet compartment and zero scum and sludge in the outlet compartment. The wastewater level was 1 inches above the invert of the outlet pipe. The plastic inlet and outlet baffles were intact and in working condition. I didn't see any crack or root intrusion in the septic tank. There was a break/hole on top of the septic tank next to the outlet manhole, see picture on page 4. Because of the break/hole in the septic tank, it is on poor condition.

Leach Field

4. The leach line was located and marked by Vineyard Septic Service on September 5, 2019. There is one leach line which is 38 feet long. Green lust vegetation was seen at two areas near the leach line. I conducted a hydraulic load test by adding approximately 150 gallons of water with green liquid dye to the septic tank's outlet compartment which would run into the leach field.

After filling 60 gallons of water to the leach line, I saw sewage surfacing sont the distribution box, see pages 6 and 7. Thus, the leach line failed the hydraulic load test.

Reserve Area

5. There is not an available septic reserve area on the parcel due to high groundwater.

Septic System Evaluation

6. The septic tank is in poor condition because of the hole at the top of the septic tank which can allow groundwater and soil to enter. The leach line is failing.

I would recommend that the parcel be connected to city sewer rather than installing a new septic system for the following reasons:

- A) The parcel has high groundwater and has drainage swale in the winter.
- B) Repairing existing 38 feet of existing leach line and adding new leach line of 19 feet (maximum length allowed by the county under repair permit) will not be enough to support wastewater from the 3-bedroom house.
- C) Installing a mound system is not feasible due to the cost of approximately \$75,000 to \$100,000 which includes addition soil testing, survey, county permits, soil lab samples, design and installation with inflation of materials and is also not recommended due to flooding of the space available for a mound system.
- D) City sewer is near to the parcel and house. City sewer is on the Eddie Lane next to the parcel and approximately 75 feet away from the house.

This report describes the conditions of the septic system during the time of visit. Apex Septic Design, Inc. has not been retained to warrant, guarantee, or certify the proper functioning of the septic system for any period of time in the future. Because of the numerous factors (usage, soil characteristics, previous failures, etc.) which may effect the proper operation of the septic system, this report shall not be construed as a warranty by our company that the system will function properly for any particular buyer. Apex Septic Design, Inc. DISCLAIMS ANY WARRANTY, either expressed or implied, arising from the inspection of the septic system or this report. We are also not ascertaining the impact the septic system is having on the groundwater. Apex Septic Design, Inc. is not liable for the information or lack of information shown for the record documents attached to this report.

For further information or questions I can be reached at (707) 322-5827.

Respectfully,

Tan Tong

Tai Nguyen

Registered Environmental Health Specialist #7177

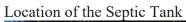
No.7177
EXP. 12-31-2023
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Liquid dye was added to the wastewater in the septic tank's outlet compartment





Close up picture of wastewater was seen surfacing onto the ground

Pictures of ponded water in the winter



Agenda Item Number 7





Agenda Item Number 7

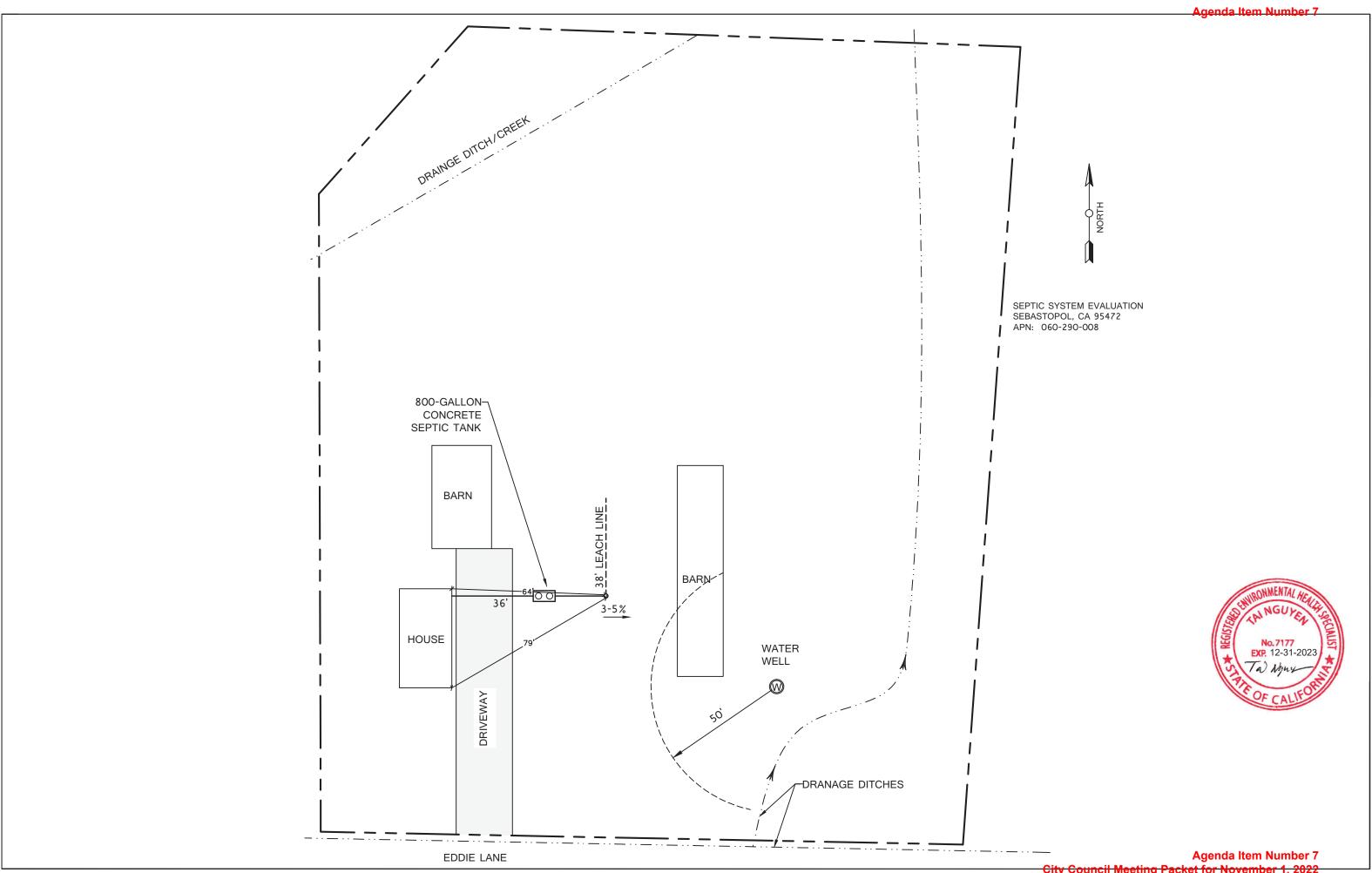
City Council Meeting Packet for November 1, 2022
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Septic Tank Pumping Receipt VINEYARD SEPTIC SERVICE Septic Tank Pumping • 24 Hour Service 7600 Beth Court Rohnert Park, CA 94928 (707) 795-5780 (707) 477-0556 Fax: (707) 795-1883 No. 9517 Address 286 SEBOSTOPOL SA Phone On account Cash Charge C.O.D. AMOUNT DESCRIPTION Frump Septic Tank PUMP 800 GALLONS - Labor Sertic ☐ Tank Locator ☐ Pump Grease ☐ Additional Charges ☐ Material 60,00 U12 FOID Check # Paid on account NOTICE: Under the Mechanics' Lien Law (California Code of Civil Procedure) any contractor, subcontractor, laborer, supplier, or other person who helps to improve your property but is not paid for his work or supplies has a right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of sale used to satisfy your endebtedness. This can happen even if you have paid your own contractor in full, if the subcontractor, laborer, or supplier remains unpaid. This company will not be held responsible for damage or breakage on property. The owner assumes all responsibility. Signature

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|---|--|--|
| VINEYARD SEPTIC SERVICE Septic Tank Pumping • 24 Hour Service 7600 Beth Court Rohnert Park, CA 94928 (707) 795-5780 (707) 477-0556 Fax: (707) 795-1883 No. 9519 Date: 9-5-19 Name MARY FAMILY Address City Separate CA | | |
| City 32 VASTO CITY | | |
| Phone | | |
| Cash C.O.D. Charge | On account | |
| | | |
| DESCRIPTION | AMOUNT | |
| Pump Septic Tank TAXTALL ed 1 | | |
| Labor in 191 Packing | ADAENA MA | |
| Tank Locator | D20000 | |
| Pump Grease CATON 1 D'ChuiR' | 10 DAY | |
| Additional Charges And A leach in A | 4 7 C DCI | |
| Material NATA PACKLIST | P 73.00 | |
| AND THE D. ROX IS DIA | | |
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| TOTAL | \$340.00 PA | |
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| NOTICE: Under the Mechanics' Lien Law (California Code of Civil Procedure) any contractor, subcontractor, laborer, supplier, or other person who helps to improve your property but is not paid for his work or supplies has a right to enforce a claim against your property but is not paid for his work or supplies has a right to enforce | | |
| a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of sale used to satisfy your endebtedness. This can happen even if you have paid your own contractor in | | |
| idit, if the subcontractor, laborer, or supplier remains unpaid. | | |
| This company will not be held responsible for damage or breakage on property. The owner assumes all responsibility. | | |
| Signature | | |

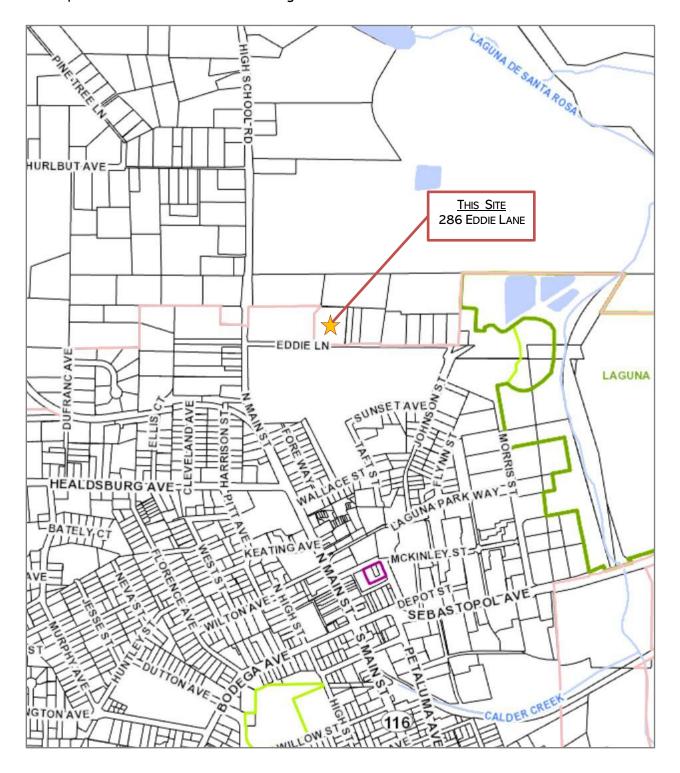
| COUNTY OF SONOMA PUBLIC HEALTH DEPT. | 20 = |
|--|---|
| 3313 Chanate Road • (707) 527-2711 Santa Rosa, California 95404 | Receipt Information |
| Application for Permit | 1 |
| WATER WELL 83-86 | |
| Application No | - 2003#0000 137. 0 0 |
| ACOPESS 286 Eddie Ln. Seb. PHONE NO 823-5887 | 00K/- 137.0 |
| DRILLING CONTRACTOR Fisch Bros. Drilling CONTRACTOR #399226 | VIV. 137.00 |
| ADDRESS 5001 Gravenstein Hwy. N Seb. PHONE NO 823-3891 | \$ 709788 14150 Q2 15 |
| TYPE OF Class I New Reconstruct Test well. Class II New Well Reconstruct Coservation Test hole Permit Well Reconstruct Coservation | Test well. Destruct D |
| PROPOSED Domestic, Single Family Domestic, I Irrigation I Industrial Recharge | Test |
| CONSTRUCTION PROPOSED: | Well Other |
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| Annular Space: Size: 21 Olepth of Seal 201 Concrete: Grout: X Cement City | |
| Method of Disinfection: Chorlnation Vethod of Sealing Access Opening: Well seal | |
| We'll located within an existing public water system boundary: \(\square\) Yes \(\square\) No. Name: | |
| and asie. | |
| pires one year from date of issuance. Security of the first blos Delline 4 18 11986 Insurance Carrier 59-86 | 3105. 41 \$ 1:86 |
| Construction appropriate / C / C / C Sea | 'er Scarce Area Dyes Vic |
| Indicate below the exact for t | Mary Dane |
| Indicate below the exact location of well with respect to the following items: properly lines, water bodies or water courses, drainage parand laterals and private sewage disposal systems or other sources of contamination or poliution. INCLUDE ID. DENSIGNS The valence of the information provided by the applicant. | tern, roads, existing wells, sever main |
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| Page 1 | 7 |
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PHS EH #11 18-839





Request for Out of Service Area Agreement for Sewer Connection at 286 Eddie Lane



LOCATION MAP