

RESOLUTION NO. 1053

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SANTA ROSA RECOMMENDING THE CITY COUNCIL UPHOLD THE APPEAL OF REDWOOD EQUITIES, LLC AND DENY THE CITY ENGINEERS' DETERMINATION THAT SEWER DEMAND FEES MUST BE PAID FOR THE PROPOSED "THE MEADOWS AT OAKMONT" SUBDIVISION

WHEREAS, Redwood Equities, LLC, the developer of the proposed "The Meadows at Oakmont" Subdivision ("Meadows Subdivision"), has appealed the determination by the City Engineers (the Director of Utilities and the Deputy Director of Engineering Services) to require payment of sewer demand fees for the Meadows Subdivision; and

WHEREAS, Redwood Equities contends that certain provisions of the 1963 Agreement between the original developer of the Oakmont area and the City exempt Redwood Equities from the requirement to pay sewer demand fees for its proposed Meadows Subdivision; and

WHEREAS, the 1963 Agreement provides that subsequent purchasers of certain land within the Oakmont area are entitled to the use of the Oakmont Waste Water Treatment Plant (Oakmont WWTP) constructed by the original developer of the Oakmont area without payment of connection fees (also known as demand fees); and

WHEREAS, the City no longer operates the antiquated Oakmont WWTP and the proposed Meadows Subdivision will be served by the Laguna Treatment Plant; and

WHEREAS, the City Engineers reviewed the 1963 Agreement and determined that its provisions did not apply to exempt Redwood Equities, LLC from the requirement to pay sewer demand fees for its proposed Meadows Subdivision because the City no longer operates the Oakmont WWTP and the proposed Meadows Subdivision will not use the Oakmont WWTP; and

WHEREAS, the Planning Commission's approval of the tentative map for the Meadows Subdivision was conditioned upon payment of the latest adopted fees, including sewer demand fees, in effect at the time of building permit issuance; and

WHEREAS, the Board has reviewed the appeal and considered all comment, testimony, information, and records herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Utilities of the City of Santa Rosa recommends that the City Council uphold the appeal of

Redwood Equities, LLC and deny the determination by the City Engineers to require payment of sewer demand fees for the Meadows Subdivision.

DULY AND REGULARLY ADOPTED by the City of Santa Rosa Board of Public Utilities this 19th day of September, 2013.

AYES: (3) Gale, Galvin, Steffensen

NOES: (2) Holt, Kaun

ABSENT: (1) Dowd

ABSTAIN: (0)

VACANT: (1)

APPROVED: 
Stephen Gale, Chair

ATTEST: 
Gina Perez
Recording Secretary

APPROVED AS TO FORM:

Office of the City Attorney