

CITY COUNCIL MEETING
OCTOBER 21, 1987

REVIEW OF POLICY
ON ANNEXATION
AND DEVELOPMENT
PROPOSALS

CC-8(a)
CC-46

Council reviewed a recommended policy for annexations and development proposals which was prepared by the City Attorney.

The policy suggested that the City not accept any applications for annexation until such time as the City's Public Works Director can certify that the White Slough Water Pollution Control Facility has the capacity to serve any new developments. Council indicated its concern that this be modified to indicate that the City not accept any applications for annexation until such time as mitigating measures have been addressed.

Further, the policy suggested that the City Council direct staff to inform applicants for industrial or commercial development, that they will be required to prepare environmental documentation, and further to advise such applicants that there is a good possibility that the City will deny the application due to the wastewater treatment plant over-capacity at this time.

On motion of Mayor Pro Tempore Snider, Olson second, Council concurred with heretofore stated policy.

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

DATE: October 21, 1987 NO.

SUBJECT:

REVIEW OF POLICY ON ANNEXATION AND DEVELOPMENT PROPOSALS

PREPARED BY: City Attorney

RECOMMENDED ACTION: That the City Council direct:
(1) That the City not accept any applications for annexation until such time as the City's Public Works Director can certify that the White Slough Water Pollution Control Facility has the capacity to serve any new developments, and

(2) That the City Council direct staff to inform applicants for industrial or commercial development, that they will be required to prepare a focused EIR to look at the impact of the project on wastewater treatment, and further to advise such applicants that there is a good possibility that the City will deny the application due to the wastewater treatment plant over-capacity at this time.

BACKGROUND INFORMATION: After sitting through the September 30, 1987 Council meeting at which time the environmental review on a number of projects which will be before the voters in November was discussed, I became concerned about a number of the mitigation measures which will require the City Council to adopt development fees which will be exacted from the developers who have these projects, as well as other projects within the City (commercial and industrial). Further, I became aware that the White Slough Water Pollution Control Facility is presently operating above capacity, and will require expansion.

In researching this issue, I found that the City is not required to annex land and can refuse to be the initiating agency under the Cortese-Knox Local Government Reorganization Act of 1985 (Government Code § 56000 et seq). Further, if an individual whose property was brought into the General Plan in November 1987 wanted to file a tentative map, the City could argue that until the land is annexed, the City does not have to accept an application for a tentative map. If the individual insisted on filing an application, the City could, under Government Code § 66474.6, deny the tentative map because the proposed subdivision would cause additional over-capacity at the wastewater treatment plant.

As to commercial and industrial project applicants who might ask for development approval by the City, the City could deny approval based on the wastewater treatment plant over-capacity.

Respectfully submitted,



Ronald M. Stein
City Attorney

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