

ORDINANCE NO. 2216

AN ORDINANCE OF THE CITY OF REDLANDS ADDING CHAPTER 13.60 TO THE REDLANDS MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF MEASURE "N" AND REGULATE THE EXTENSION OF OUTSIDE CITY WATER AND SEWER CONNECTIONS TO RESIDENTIAL DEVELOPMENT PROJECTS

WHEREAS, Measure "N," a voter-approved initiative ordinance, requires that water and sewer service allocations or connections be made to no more than 150 residential dwelling units outside the City's corporate boundaries in any one calendar year; and

WHEREAS, Measure "N" further requires the City Council of the City of Redlands ("this City Council") to enact such ordinances and regulations as may be necessary to carry out the purposes, intent and directives of Measure "N;" and

WHEREAS, it is the desire of this City Council to establish new procedures for processing applications for water and sewer service connections to residential development projects outside the City's corporate boundaries; and

WHEREAS, Section 16 of Measure "N" requires a 4/5 vote of this City Council for the adoption of any guideline implementing or interpreting its provisions; and

WHEREAS, California Health and Safety Code Section 5471 and Government Code Section 66017 authorize this City Council to establish a fee to cover the City's reasonable costs associated with accepting, reviewing and approving applications for water and/or sewer connections for development located outside the City's boundaries; and

WHEREAS, this City Council has held a duly noticed public hearing and taken testimony relating to the proposed establishment of a fee for processing water and/or sewer connection applications; and

WHEREAS, at least ten (10) days prior to the consideration of this Ordinance, this City Council has made available to the public data on the estimated cost of the service for which the fee will be levied;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. Chapter 13.60 of the Redlands Municipal Code is hereby added to read as follows:

"CHAPTER 13.60 OUTSIDE-CITY WATER AND SEWER CONNECTIONS

13.60.010. DEFINITIONS.

A. "Availability" means the reservation of water and/or sewer connections for the calendar year in which an application is made for service by the Redlands' domestic water and/or sewage system for a residential dwelling unit.

B. "Connection" means the approval of an application for a water and/or sewer connection and the physical setting of a water meter.

C. "Dwelling Unit" means any single family residence, apartment, unit of a multi-family structure or mobilehome.

D. "Major Project" means a residential development project consisting of five (5) or more dwelling units.

E. "Minor Project" means a residential development project consisting of four (4) or less dwelling units.

F. "Water Board" means the board established by this Chapter consisting of the City Manager, the Public Works Director and the Deputy Public Works Director, or their designees.

13.60.020. PROCESSING DATES.

A. For each calendar year, the initial deadline for submitting applications to the City's Public Works Department for availability of water and/or sewer service connections shall be January 4th of such year. Applications may be submitted any time prior to January 4th.

B. For each calendar year, the second deadline for submitting applications to the City's Public Works Department for availability of water and/or sewer connections shall be June 1st of such year.

C. The express intent of the City Council for establishing two filing dates for applications for availability of water and/or sewer connections is:

1. To comply with the provision of the voter-approved ordinance Measure "N" and ensure that no more than 150 water or sewer connections are made to residential dwelling units constructed outside the City's corporate boundaries;

2. To ensure that applications for water and/or sewer connections outside the City's corporate boundaries are made in good faith and at the times when applicants for development projects reasonably believe they will effect connections to the City's water and/or sewer system; and

3. To ensure that no development project unreasonably impedes the efforts of another development project which in good faith is attempting to obtain water and/or sewer connections to the City's utility system.

13.60.030. AVAILABILITY PROCESSING REQUIREMENTS.

Applications for availability of water and/or sewer connections shall be made in accordance with the following provisions:

A. Applications for availability of water and/or sewer connections shall be filed with the Public Works Department. The applicant shall be the owner of the property for which the service is requested, or an agent of the owner who has the written consent of the owner to file such application.

B. The residential project for which an application is made shall be zoned or prezoned consistent with the Redlands General Plan or plan for development of the City's sphere of influence.

C. Applications for availability for Major Projects shall be accompanied by a letter from the County of San Bernardino evidencing the project's compliance with all County requirements for recordation of a final subdivision map, or if no such map is required for the project, that the project applicant has satisfied all County conditions necessary for the issuance of building permits.

D. Concurrent with the filing of an application, the applicant shall pay a fee in the amount of fifty dollars (\$50) per unit up to a maximum of five hundred dollars (\$500) per project for the processing of the application. The fee shall be non-refundable.

E. Water and/or sewer connections shall be distributed to Minor Projects on a first-come, first-served basis to no more than 25 dwelling units in 1994. For each succeeding year, the number of available connections for Minor Projects shall be set by resolution of the City Council, adopted prior to such year.

F. Availability for water and/or sewer connections for Major Projects shall be made to no more than 125 dwelling units in 1994. For each succeeding year, the number of available connections for Major Projects shall be set by resolution of the City Council, adopted prior to such year. The priority basis shall be established as follows:

G. In the event a connection to the City's water and/or sewer system is not made in the calendar year for which the availability application was approved, the development project shall lose its availability and must resubmit an application for availability in compliance with this Chapter before a water or sewer connection may be made.

13.60.040. AVAILABILITY OF WATER CONNECTIONS.

A. The determination of a project's priority for issuance of water availability shall be made by the Water Board. Applications for availability of water connections for dwelling units shall be submitted to the Public Works Department each calendar year, and are subject to the following conditions:

1. Minor Projects.

(a) The Water Board shall determine what infrastructure facilities are required to provide water connections.

(b) The Water Board shall refer the application to the Community Development Department for verification that the project is zoned or prezoned consistent with the Redlands General Plan or plan for development of the City's sphere of influence.

(c) The Water Board shall determine requirements for water connections in a manner consistent with all ordinances, resolutions and policies of the City governing inside-City development, including Chapter 13.44 of this Code governing sewer extensions and requirements.

2. Major Projects.

(a) Major Projects shall be subject to and comply with the requirements of Section 13.60.040.A.1.

B. Following acceptance of applications, the availability of water connections shall be issued on a priority basis for the calendar year in accordance with Section 13.60.060, hereof.

C. Availability of water connections shall be subject to the following conditions:

1. Applicant shall pay all applicable fees as required by ordinance or resolution of the City before applications for water connections will be approved.

2. Water connections shall be approved only after the applicant installs facilities in accordance with City requirements and specifications.

3. Water connections made under the provisions of this Chapter shall comply with all rules and regulations established by the City.

13.60.050. AVAILABILITY OF SEWER CONNECTIONS.

A. The determination of a project's priority for issuance of sewer availability shall be made by the Water Board. Applications for availability of sewer connections for dwelling units shall be submitted each calendar year, and are subject to the following conditions:

1. Minor Projects.

(a) The Water Board shall determine what infrastructure facilities are required to provide the connections.

(b) The Water Board shall refer the application to the Community Development Department for verification that the project is zoned or prezoned consistent with the Redlands General Plan or plan for development of the City's sphere of influence.

(c) Sewer connections shall be provided only to those projects receiving water from the City's domestic water system.

(d) The Water Board shall determine requirements for sewer connections in a manner consistent with City ordinances, resolutions and policies governing inside-city development, including Chapter 13.44 of this Code governing sewer extensions and requirements.

3. Major Projects.

A. Major Projects shall comply with the requirements of Section 13.60.050.A.1.

B. Following acceptance of applications, the availability of sewer connections shall be established on a priority basis for the calendar year in accordance with Section 13.60.060, hereof.

C. Availability of sewer connections shall be subject to the following conditions:

1. Applicant shall pay all applicable charges as required by this Code before applications for sewer connections will be approved.

2. Sewer connections will be approved only after the applicant installs facilities in accordance with City requirements and specifications.

3. Sewer connections made under the provisions of this Chapter shall comply with all rules and regulations established by the City.

13.60.060 PRIORITY.

A. The priority of an application for availability for water and/or sewer connections shall be based upon the date of the County letter required by Section 13.60.030 of this Chapter, with the highest priority being given to those dates which are earliest in time.

B. Applications for availability of water and/or sewer connections which are subject to the January 4th deadline shall be approved on a priority basis subject to the following criteria:

1. If only one application has been made for availability, that applicant shall be entitled, subject to compliance with the requirements of this Chapter, to receive all availability applied for up to and including the amount of availability set by resolution of the City Council.

2. In the event more than one application for availability is received for the January 4th deadline, the application having the highest priority shall be entitled, subject to compliance with the requirements of this Chapter, to receive all availability applied for up to and including fifty percent (50%) of the amount of availability set by resolution of the City Council. All other applications shall be entitled, in order of their priority and subject to compliance with the requirements of this Chapter, to receive all availability applied for up to and including the amount of

availability remaining as set by resolution of the City Council.

3. In the event there remains unallocated availability after compliance with subsections A and B above, any remaining availability shall be distributed to the applicants in accordance with their priority basis until all the amount of availability set by resolution of the City Council has been allocated.

C. Any application for availability which was subject to the January 4th deadline shall lose its priority in the event the following has not occurred by June 1st of the calendar year during which such applications were approved:

1. The development project for which the application was approved is a subdivision, and a final map has not been approved and recorded for such project.

2. The development project for which the application was approved is not a subdivision and construction has not commenced on the project pursuant to the issuance of a building permit.

C. Applications for availability of water and/or sewer connections which are subject to the June 1st deadline shall be approved on a priority basis subject to the following criteria:

1. Applications for availability shall be approved only to the extent that unallocated availability is extant from the amount of availability set by resolution of the City Council.

2. Applications shall be approved in accordance with the procedures established by Section 13.60.060B of this Chapter.

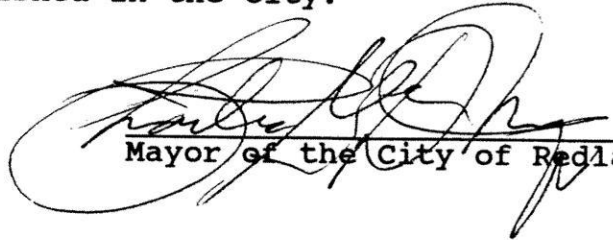
3. In the event no applications for availability are made, any applications for availability which were subject to the January 4th deadline and which lost priority subject to Section 13.60.060C, shall have their previous priorities restored for the remainder of the calendar year."

Section 2. This Ordinance shall be in force and take effect as provided by law.

Section 3. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published

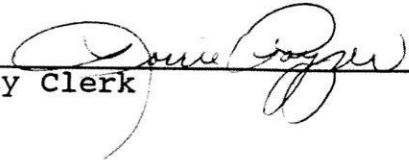
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once in the Redlands Daily Facts, a newspaper of general circulation printed and published in the City.



Mayor of the City of Redlands

ATTEST:



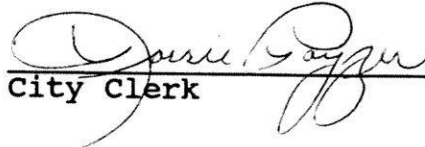
City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof, held on the 5th day of October 1993, by the following votes:

AYES: Councilmembers Larson, Milson, Foster; Mayor DeMirjyn

NOES: Councilmember Cunningham

ABSENT: None



City Clerk