

RESOLUTION NO. 6486-2022

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.

3. Authorizes the City Manager to execute the OSAA.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 1st day of November 2022.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

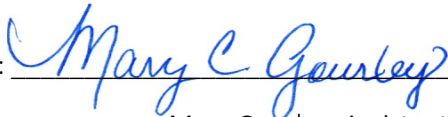
VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter
Noes: None
Absent: None
Abstain: None

APPROVED:


Mayor Patrick Slayter

ATTEST:



Mary Gourley, Assistant 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 No: 060-290-008

Type of Service Requested: Sewer Only Water Only Sewer and Water

Owner of Record

Name: Bryan Doherty
Mail Address: 496 W Avenida de las Flores
City, State, Zip: Thousand Oaks, CA 91360
Phone: (805) 402-3914
Fax: _____
e-mail: bmdohertyjr@mac.com

Bryan Doherty
Signature

Date: 7/21/21

Applicant (if other than Owner)

Name: Kate Doherty
Mail Address: 286 Eddie Ln
City, State, Zip: Sebastopol, CA 95472
Phone: (805) 231-1088
Fax: _____
e-mail: kdbdoherty@gmail.com

Kate Doherty
Signature

Date: 7/21/21

Parcel Information

1. Parcel Size (Acres): 1.79 Existing Land Use: Rural 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 barns.

Status of Existing Development (Check One): Legal Legal Non-Conforming

Documentation of Legal Status of Existing Development is attached (required).

NOTE: You must provide documentation from the Sonoma County Permit and Resource Management Department (PRMD) regarding the status of existing development. (See Attachment entitled "City of Sebastopol, Outside of Service Area Agreements")

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

Receipt No: 100168

Date: 7-25-2022

Application Complete

Engineering File No: 22-01



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 Report

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 FLORES
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
Census Tract: 153406
Census Block: 1000
Latitude: 38.4090
Longitude: -122.8250

Zoning Code:
General Plan Code:

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. Assessor Data is maintained by Sonoma County.

Request for Well and Septic Service

Agenda Item Number 7

WLS-006

PURPOSE: This form is used to request a paid service from the Well & Septic Division of the Permit and Resource Management Department (PRMD) related to an existing or proposed septic system. **A permit application may be required following the requested service.**

June 19, 2022

Date of Request

286 Eddie Lane

Site Address

Sebastopol, CA 95472

City/Town

Zip

Tai Nguyen

Applicant Name

P.O. Box 11247 Santa Rosa, CA 95406

Mailing Address

State/Zip

(707) 322-5827

Day Phone

WSR22-0633

SEV Number

High School Road

Cross Street

060-290-008

Assessor's Parcel Number

Bryan Doherty

Property Owner's Name

286 Eddie Lane in Sebastopol, CA 95472

Mailing Address

State/Zip

(805) 402-3914

Day Phone

Service Requested:

Review of consultant residential finding report, tier 2 (failing septic system)

----- **DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff** -----
Code Enforcement Violation Yes No Violation # _____

Status _____

Staff Comments/Notations

The Findings Report has been reviewed. The system meets the definition of a non-conforming septic system. The septic tank is in poor condition and the septic system is failing.

Consultant's Findings Report stated that public sewer is available within 200 feet from the property. Per OWTS Manual Section 2, installation of a new or replacement dispersal system OWTS where public sewer is available is prohibited.

Chris Luu

Digitally signed by Chris Luu
DN: cn=Chris Luu, o=Permit Sonoma, ou,
email=chris.luu@sonoma-county.org, c=US
Date: 2022.07.01 10:23:23 -0700'

Staff Signature

7/1/2022

Date Completed

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue ❖ Santa Rosa, CA ❖ 95403-2829 ❖ (707) 565-1900 ❖ Fax (707) 565-1897

sue waxman S:\Handouts\WLS\WLS-006 Request for Well and Septic Service Form 02/01/09 Page 7 of 23

City Council Meeting Packet for November 1, 2022

Page 10 of 26

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

1. 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 downspouts 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 lush 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 onto the ground above 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,



Tai Nguyen
Registered Environmental Health Specialist #7177



Location of the Septic Tank



Hole/opening at outlet compartment of the Septic Tank



Liquid dye was added to the wastewater in the septic tank's outlet compartment



Wastewater was seen surfacing onto the ground above the distribution box



Close up picture of wastewater was seen surfacing onto the ground



Pictures of ponded water in the winter







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

Date: 9-4-19

Name MARY E. ENGEN

Address 286 Eddie LN

City Sebastopol CA

Phone 707-528 1428

Cash	C.O.D.	Charge	On account
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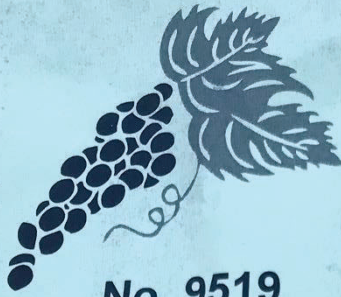
DESCRIPTION	AMOUNT
<input checked="" type="checkbox"/> Pump Septic Tank PUMP 800 GALLONS	
<input type="checkbox"/> Labor Septic	\$385.00
<input type="checkbox"/> Tank Locator	
<input type="checkbox"/> Pump Grease 1 HOUR LABOR	
<input type="checkbox"/> Additional Charges FOR DIGGING	
<input type="checkbox"/> Material UP lids	\$75.00
TOTAL	\$460.00

Paid on account Check # 1212 PAID
 Cash

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 indebtedness. 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



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 E. ENGEN

Address 286 Eddie Ln

City SEBASTOPOL CA

Phone _____

Cash	C.O.D.	Charge	On account
------	--------	--------	------------

DESCRIPTION	AMOUNT
<input type="checkbox"/> Pump Septic Tank <u>INSTALLED</u>	
<input type="checkbox"/> Labor <u>INLET BAFFLE</u>	<u>\$285.00</u>
<input type="checkbox"/> Tank Locator	
<input type="checkbox"/> Pump Grease <u>LOCATED 2 DISTRIBUTION BOX</u>	
<input type="checkbox"/> Additional Charges <u>AND 1 LEACH LINE</u>	<u>\$75.00</u>
<input type="checkbox"/> Material <u>NOTE: D. BOX IS OLD</u>	
<u>AND, THERE'S A CHANCE THAT</u>	
<u>THEY MAY BE ANOTHER</u>	
<u>LEACH LINE, IN THE MIDDLE</u>	
<u>BUT MY LOCATOR ONLY GOES TO</u>	<u>LAST LINE.</u>
<u>TOTAL</u>	<u>\$360.00</u>

Paid on account Check # 1213
 Cash

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 indebtedness. 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 _____

COUNTY OF SONOMA PUBLIC HEALTH DEPT.
 3313 Chanate Road • (707) 527-2711
 Santa Rosa, California 95404

Application for Permit
WATER WELL

Receipt Information
 200340000 137.00
 0000 137.00
 0000 137.00

WELL ADDRESS 286 Eddie Ln. Application No. 83-86
 PROPERTY OWNER Alvin Engen A.P. NO. #060-290-08
 ADDRESS 286 Eddie Ln. Seb. PHONE NO. 823-5887
 DRILLING CONTRACTOR Fisch Bros. Drilling CONTRACTOR LICENSE NO. #399226
 ADDRESS 5001 Gravenstein Hwy. N Seb. PHONE NO. 823-3891

TYPE OF WORK: Class I Permit New Well Reconstruct Observation Test well, Test hole Class II Permit New Well Reconstruct Observation Test well, Test hole Destruct

PROPOSED USE: Domestic, Single Family Domestic, Public Irrigation Industrial Recharge Test Well Other

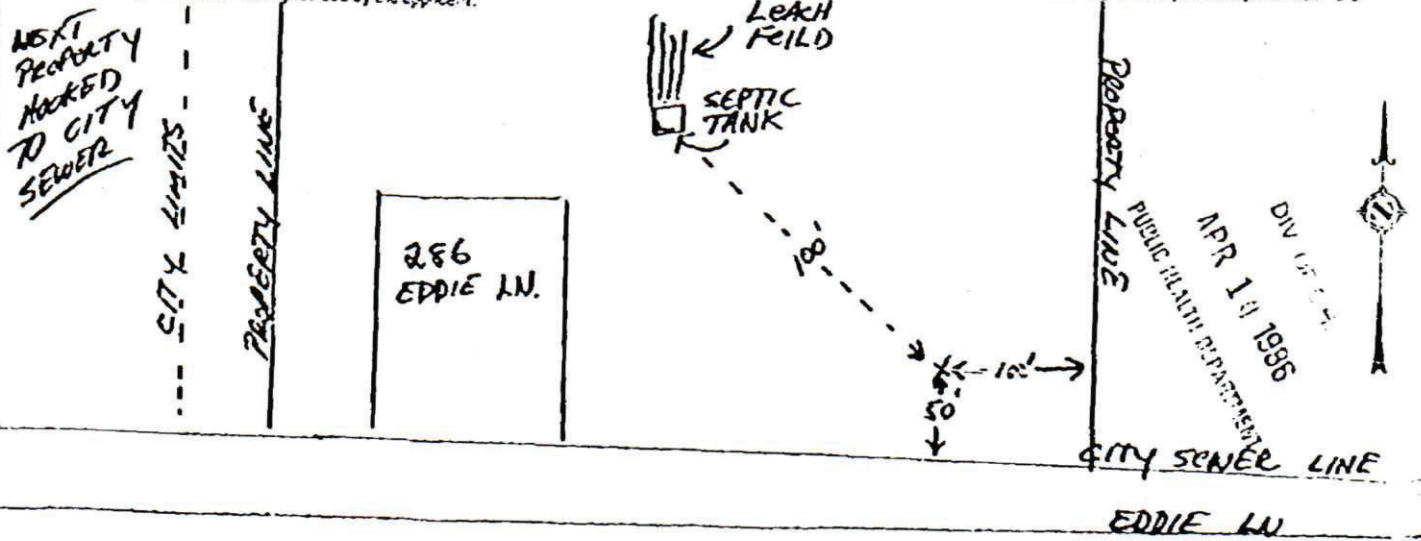
CONSTRUCTION PROPOSED:
 Casing: Diameter: 5" Gauge: c160 Material: pvc Conductor: yes Single Double Gravel Pack: yes no Type of Joint: lap
 Annular Space: Size: 2" Depth of Seal: 20' Concrete: _____ Grout: Neat Cement _____ Puffed Clay _____
 Method of Disinfection: chlorination Method of Sealing Access Opening: well seal
 Well located within an existing public water system boundary: Yes No Name: _____

I hereby agree to comply with all laws and regulations of the County of Sonoma and State of California pertaining to water well construction. I will telephone 527-2711 to notify the sanitarian when I am commencing this work. I will furnish the Public Health Officer and the owner a legible copy of the State Water Well Driller's Report within 15 days in order to obtain final approval on this well. I acknowledge that the application will become a permit only after site approval and payment of fee. I understand that this permit is not transferable and expires one year from date of issuance.

WORKMEN'S COMPENSATION CERTIFICATE
 A currently effective certificate of Workmen's Comp. insurance coverage is on file with this office.
 I certify that in the performance of the work for which this permit is issued I shall not employ any person in any manner so as to become subject to the workmen's compensation laws of California.
 Insurance Carrier 59-86 Policy # 121
 Signature of Applicant: Joseph J. Fisch Bros. 4/18/86

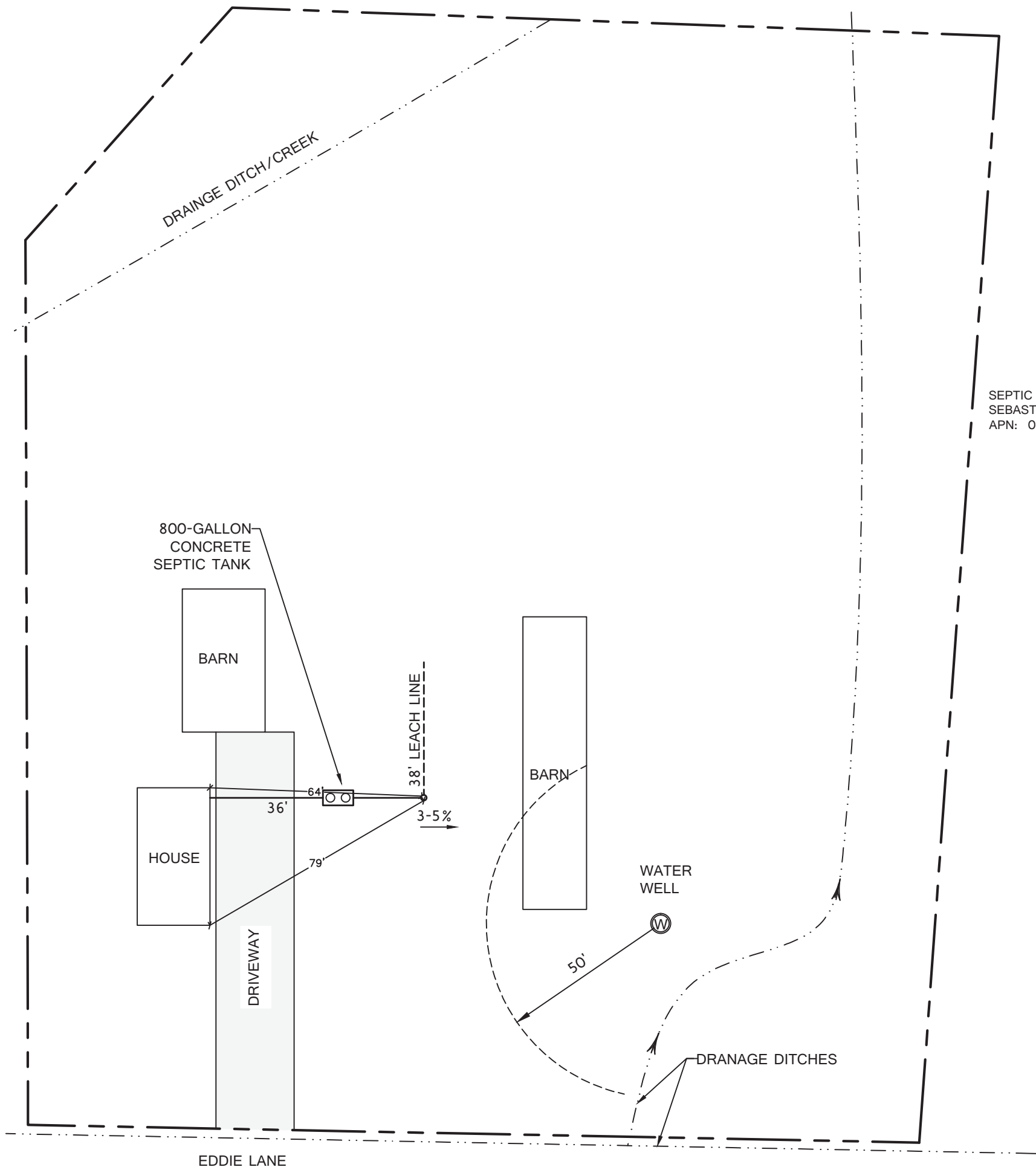
FOR OFFICE USE ONLY - ENVIRONMENTAL HEALTH SERVICE
 Site approval by: [Signature] Date: 4/30/86 Water Scarce Area yes no
 Construction approval by: [Signature] Date: 5/28/86 Sealed to depth of Cased: yes no

Indicate below the exact location of well with respect to the following items: property lines, water bodies or water courses, drainage pattern, roads, existing wells, sewer main and laterals and private sewage disposal systems or other sources of contamination or pollution. INCLUDE DIMENSIONS. The validity of this permit depends upon the accuracy of the information provided by the applicant.



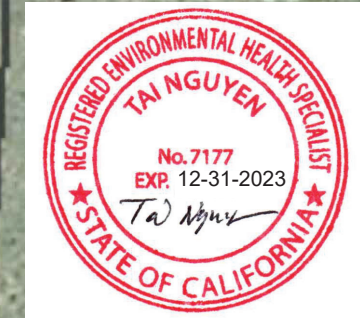
PHEM 411
 B-83

Distribution: White - Sanitarian / Canary - Well Driller / Pink - EH file

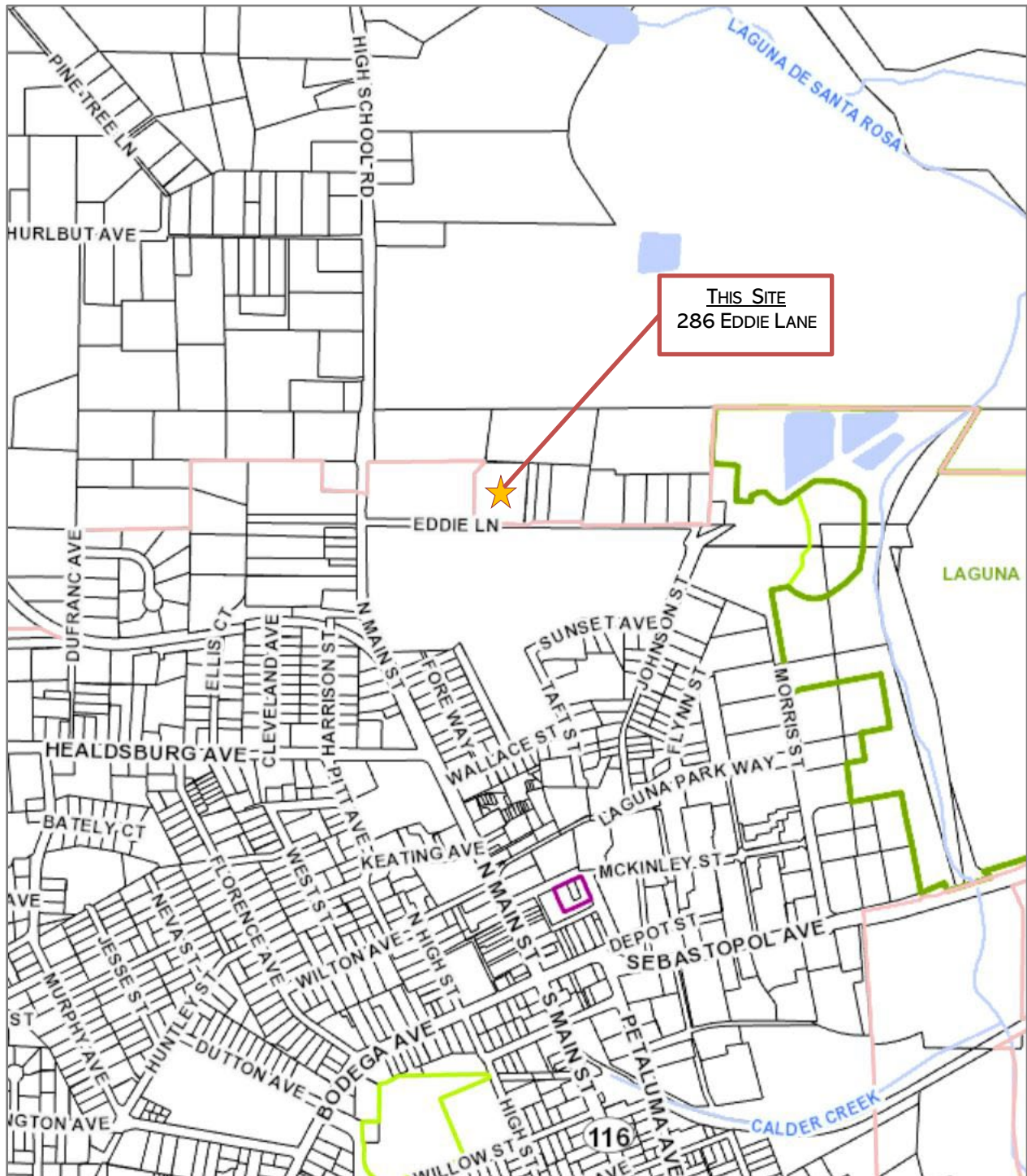


SEPTIC SYSTEM EVALUATION
SEBASTOPOL, CA 95472
APN: 060-290-008





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



LOCATION MAP