

Policy Implementation Program For Northwest Newman Master Plan

**Approved by Newman City Council
On March 27, 2018**

**Revisions Approved by City Council
On August 13, 2019**

**2nd Revisions Approved by City Council
November 12, 2019**

INTRODUCTION:

In 2010, a landowners' group located within Newman 2030 General Plan Master Plan Area 3 (MPA 3) initiated the process of developing land use and preliminary engineering plans for the area. The group was planning to develop a master plan in accordance with the Newman 2030 General Plan requirements for the purpose of submitting an annexation application to the City. However, a change in the economy and the uncertainty of the housing market led to the group abandoning the effort.

In early 2012, staff reached out to the owners' group about the possibility of the City moving the effort forward. With the recent development of major employers locating on the west side of Stanislaus County, staff believed there may be a possibility to capture some of the future job growth occurring in this area of the County. In September 2012, the City Council agreed with staff's recommendation and made the strategic decision to fund the master plan and environmental impact report for MPA 3. The Council stated their intention to recover their investment through future development fees and development agreements.

During the review and approval process, the City held one (1) public hearing at the October Planning Commission meeting and two (2) public hearings at regularly scheduled City Council meetings; November 14th and December 12th. At the conclusion of the December 12th public hearing, the City Council voted 4-0 to certify the Environmental Impact Report, adopt the Northwest Newman Master Plan, and approve the related annexation applications.

During public hearings before the Planning Commission and City Council, the public raised some issues they considered to be important. This document is being prepared to address these issues/concerns and set a policy for how they will be addressed by the City should the need/opportunity arise. While this document attempts to cover all of the issues presented during the public hearings, some items may not be able to be fully addressed at this time; due to future conditions and/or settings not being known. In these cases, staff will, where appropriate, propose a method for resolving the matter.

The City Council approved the original version of this document on March 27, 2018. However, the City's LAFCO application has been on hold due to a delay in securing a revised Property Tax Sharing Agreement with Stanislaus County. Due to this delay, the Council felt it appropriate to review the document and make modifications. On August 13, 2019, the Council made changes to the document. The changes are identified utilizing strikethrough text for deletions and underlined text for additions.

Issues:

Sewer

Sewer service within the Northwest Newman Master Plan Area (MPA 3) will be provided by the City of Newman. To ensure the City has adequate capacity at the treatment plant, the City has applied for new WDRs that would permit a wastewater treatment/discharge capacity sufficient to handle all lands within the General Plan's entire Primary Sphere of Influence (PSOI). ~~It is anticipated the new WDRs will be approved by the State Board in late Spring/early Summer 2018.~~ The Central Valley Regional Water Quality Control Board approved WDR Order R5-2018-0024 on April 5, 2018.

Upon securing approval, the City will initiate a design and construction phase that will increase the treatment capacity at the wastewater plant in an efficient and cost effective manner. The increase(s) in treatment capacity will be accomplished in multiple phases dependent upon the recommendations of the engineers and Public Works Department staff. ~~Staff anticipates the initial phase of design will begin during FY 2018/19.~~ To date, the City has begun the initial phase of improvements to increase the capacity of the treatment plant. The first phase includes the expansion of irrigable lands and irrigation systems. Expansion plans are 90% complete and the project is expected to be under construction in 2020.

As a condition within MPA 3 document, a series of follow-up activities and reports are necessary prior to initiating construction activities including, but not limited to, a Financing Plan and Development Agreement. Exact details for the location and phasing of the wastewater collection system(s) have not been completed. Once they have been fully addressed, construction of collection system may begin by extending existing lines into MPA 3. Staff is optimistic that engineering will be begin as soon as Fiscal Year 2020/21.

The following policies will govern the public sewer system and how it pertains to residents who reside on properties within MPA 3:

1. All buildings or structures connected to septic tanks in MPA 3 shall be connected to the public sewer within five (5) years from the effective date of the annexation, or within five (5) years after the public sewer becomes available, whichever occurs later. Property owner(s) of record on the date the annexation is approved by LAFCO shall be exempt from this requirement.
2. Buildings or structures connected to septic tanks which experience failure, as determined by the City Manager, within the five-year grace period shall be disconnected from the septic system and immediately connected to the public sewer when public sewer is available. Property owner(s) of record on the date the annexation is approved by LAFCO shall be exempt from this requirement.
3. A public sewer is available for the purposes of this section when a public sewer or any building or any exterior drainage facility connected thereto is located within 200 feet from any portion of the property or premises.
4. The property owner shall be responsible for all cost associated with connection to public sewer. Should the property owner be required to extend a main sewer line (8" or larger), the owner shall be entitled to a reimbursement agreement whereby they are reimbursed for the excess capacity as future properties connect to said sewer line. Term of the reimbursement agreement shall not exceed seven (7) years. Property owner(s) of record on the date the annexation is approved by LAFCO shall be exempt from this requirement and shall not be required to extend main sewer lines unless it is to serve development on the subject property.
5. The property owner shall be responsible for paying all impact and connection fees prior to connecting to the City system. The City, at its sole discretion, may allow a property owner to enter into a payment arrangement contract when the property owner resides on the property and no more than one dwelling unit exists. The terms of the contract shall not exceed a maximum of twelve payments over one year.
6. In an effort to minimize the impact upon property owners connecting to City sewer, the City agrees to fix the fee amount(s) at the rates currently in place. The Sewer Connection fee shall be \$2,330 and Sewer Impact Fee shall be \$874.62 for each single family residence. The fixed rate structure

shall only apply to the property's main residence that existed on the date the annexation is approved by Stanislaus LAFCO and shall expire on December 31, 2028 or within 24 months of the sewer service being extended to within 200 feet of property, whichever occurs later.

7. The fixed rate structure is only valid for the property owner of record on the date that the annexation is approved by LAFCO.

Domestic Water

Water to the Northwest Newman project area will be provided by the City of Newman. To ensure adequate service, the City is currently in the process of developing a new well site along the westernmost segment of Jensen Road that will also contain a one (1) million gallon storage tank. It is anticipated construction on the well site, storage tank and waterlines should begin no later than FY 2018/19. Construction time frame for completing the project is 12-18 months.

Update: The underground portion of the well has been completed. Construction on the aboveground improvements are scheduled to be begin in the Spring 2020; with a completion date in Fall 2021. The City has reached agreement with multiple property owners that would allow them to connect to the City water system upon completion of the new improvements and without paying connection and impact fees.

The following policies will govern the public water system and how it pertains to residents who reside on properties within MPA 3:

1. All buildings or structures connected to private wells in MPA 3 shall be connected to the public water system within five (5) years from the effective date of the annexation, or within five (5) years after the public water becomes available, whichever occurs later. Property owner(s) of record on the date the annexation is approved by LAFCO shall be exempt from this requirement.
2. Buildings or structures connected to private wells which experience failure within the five-year grace period shall be disconnected from the well system and immediately connected to the public water when it is available. The well may continue to be used for landscaping/irrigation purposes with an approved back-flow prevention device and annual testing. Property owner(s) of record on the date the annexation is approved by LAFCO shall be exempt from this requirement.
3. A public water system is available for the purposes of this section when a public water line or any building or any exterior drainage facility connected thereto is located within 200 feet from any portion of the property or premises.
4. Should the public water system be available, the City will at its own expense, furnish and install service pipe of suitable capacity for a distance of not more than 60 feet from its water mains to the curb or property line. The City may install, but shall not be required to install, more than one service to any one consumer.
 - a. The consumer at their own expense shall install that portion of the service inside the curb or property line. Said installation shall include a shut-off valve inside the property line at a location accessible in case of emergency.
 - b. The materials furnished by the consumer in construction of such service extensions, will at all times be and remain the sole property of the consumer and, when necessary, shall be maintained and repaired by the consumer at their own expense.

5. Should the property owner be required to extend a main water line (8" or larger), the owner shall be entitled to a reimbursement agreement whereby they are reimbursed for the excess capacity as future properties connect to said water line. Term of the reimbursement agreement shall not exceed seven (7) years. Property owner(s) of record on the date the annexation is approved by LAFCO shall be exempt from this requirement and shall not be required to extend main water lines unless it is to serve development on the subject property.
6. The property owner shall be responsible for paying all impact and connection fees prior to connecting to the City system. The City, at its sole discretion, may allow a property owner to enter into a payment arrangement contract when the property owner resides on the property and no more than one dwelling unit exists. The terms of the contract shall not exceed a maximum of twelve payments over one year.
7. In an effort to minimize the impact upon property owners connecting to City water, the City agrees to fix the fee amount(s) at the rates currently in place. The Water Connection fee is \$1,035 and Water Impact Fee is \$1,332.51 for each single family residence. The fixed rate structure shall only apply to the property's main residence that existed on the date the annexation is approved by LAFCO and shall expire on December 31, 2028 or within 24 months of the water service being extended to within 200 feet of property, whichever occurs later.
8. The fixed rate structure is only valid for the property owner of record on the date that the annexation is approved by LAFCO and for residential water service one inch or smaller.
9. When there is more than one option for connecting to the public water system, the City retains final decision over where the property will connect to the water system. While cost to the property owner may be taken under consideration, it will not be the final determination.

Animals

City Code defines "Animal, domestic" to mean "a small animal of the type generally accepted as a pet, including dog, cat, rabbit, songbird, fish and the like, but not including chicken, duck, goose, peafowl, goat, sheep, hog, horse or the like" and "Household pets" are defined as "animals ordinarily permitted in the house and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this chapter, and not to exceed three cats six weeks of age or older." The City recognizes that some existing residents within MPA 3 have lived in an agricultural setting and may have animals that are not explicitly permitted through Newman City Code. To assist with the transition to life within a more traditional urban setting, the City has developed a strategy for a phased approach for compliance for existing residents who own and maintain non-compliant animals on the properties which they reside.

The following policies will govern non-domestic animals and how the City will implement existing City Code for residents who own and house non-domestic animals and reside on the same property within MPA 3 at the time of annexation:

1. All non-domestic animals owned and housed by property owners who live and maintain the animals on the property upon which they reside within MPA 3 will be allowed to keep said animals until they perish. The City is willing to work with property owners to allow the non-domestic animals to be replaced in a number and manner that will not impact existing and/or future residences.

- a. The property owner must deliver/send a letter to the City requesting a permit to replace and continue to maintain non-domestic animals on the property.
 - b. Upon reviewing the letter, the City may enter into an agreement with the property owner permitting the owner to maintain and/or replace the non-domestic animals in the number and duration as set by the agreement. As part of the agreement, the property owner must declare that they are the primary resident(s) of the property and that the property will be well-maintained and not pose a health and safety hazard or nuisance to the properties within the area.
2. For those property owners who do not secure an agreement with the City, on or prior to January 31 of each year, property owners shall be required to submit a letter identifying the non-domestic animals they are keeping on their property. Failure to meet this deadline may lead to the property owner being found in violation of City code.
 3. The City acknowledges that some property owners in MPA 3 are accustomed to keeping chickens on their property to provide a supply of food for their families. To maintain this tradition, the City is willing to work with property owners to allow them to continue to house chickens in a number and manner that will not impact existing and/or future residences.
 - a. To continue to maintain chickens, the property owner must deliver/send a letter to the City requesting a permit to continue to maintain chickens on the property.
 - b. Upon reviewing the application, the City may enter into an agreement with the property owner permitting the owner to keep chickens in the number and duration as set by the agreement. As part of the agreement, the property owner must declare that they are the primary resident(s) of the property and that the chickens and eggs will be not be utilized for commercial purposes.
 - c. Roosters may be permitted as part of the agreement.

Police and Fire Service

All police and fire related service(s) will be handle by the City of Newman upon completion of the annexation. There is no action required from the property owner(s).

Taxes

The City of Newman does not have any special taxes for which the properties would be subject. As a result, the property taxes for properties within MPA 3 should not change as a result of the annexation.

Schools

There will be no change to the School District as a result of the annexation.

Central California Irrigation District (CCID)

The City is continuing to work with CCID in an effort to help ensure property owners receive the current water allotments from CCID. The City remains hopeful that an agreement between the City and certain property owner can be executed that would allow the property owner to utilize the City's Class I water in

an event where CCID suspends or severely reduced that property owner's access to CCID irrigation water. Currently, CCID is reviewing the terms the City is proposing.

To date, no property owner has expressed interest in moving forward with this agreement.