



CITY COUNCIL/MUNICIPAL IMPROVEMENT DISTRICT NO. 1 STAFF REPORT

TO: City Council / Municipal Improvement District Board

DATE: September 22, 2025

DEPARTMENT: Public Works Department

PREPARED BY: Chantell O'Neal, Assistant Director, Engineering Division

PRESENTER: Chantell O'Neal, Assistant Director, Engineering Division

AGENDA TITLE: RECEIVE REPORT, CONDUCT PUBLIC HEARING, AND CONSIDER APPROVAL OF FORT BRAGG CITY COUNCIL AND MUNICIPAL IMPROVEMENT DISTRICT RESOLUTION AUTHORIZING REQUEST TO CONNECT OUT-OF-DISTRICT PROPERTY LOCATED AT 31250 CEDAR STREET TO CITY SEWER

RECOMMENDATION

Approve Fort Bragg City Council and Municipal Improvement District Resolution Authorizing Request to Connect Out-of-District Property Located At 31250 Cedar Street to City Sewer.

BACKGROUND

The subject property, 31250 Cedar Street (APN 020-480-18), is located outside the City limits but within the City's Sphere of Influence. It is currently served by City water under a prior right-of-way agreement with a past property owner, but relies on an on-site septic system for wastewater disposal.

On January 25, 2025, the City received a letter from the property owners, Albert and Sondra Weaver, reporting failure of their septic system during periods of heavy rain. A plumber provided a temporary fix, but a permanent solution was recommended. The Weavers were advised that administrative approval of a sewer connection was not permissible under Fort Bragg Municipal Code (FBMC) Section 14.24.170 and that City Council and LAFCO approval would be required.

DISCUSSION AND ANALYSIS

Last winter's rain was particularly severe, resulting in six (6) similar requests from other property owners in the same general area. These requests were prompted by failing or compromised septic systems due to saturated soils and high groundwater levels. A map

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showing the locations of these properties is included as Attachment 2 to this report for context.

In response to these inquiries, City staff issued a letter in July 2025, outlining the process for requesting an out-of-area sewer connection. The letter explained that staff do not have administrative authority to approve such connections under FBMC Section 14.24.170, and that any request would require:

1. Submission of documentation showing septic system failure,
2. Formal denial by staff,
3. Appeal to the City Council, and
4. Subsequent review and approval by Mendocino LAFCO.

On June 18, 2025, the City received a Request for Service application from the Weavers, along with documentation of their failing septic system. In accordance with the City's policy and the process outlined in the July letter, staff administratively denied the application due to the property's location outside the City and District and the lack of authority to approve such connections.

Initially, City staff were inclined not to pursue any new out-of-area connections due to recent LAFCO guidance and the contested boundaries of the Municipal Improvement District. However, after consultation with LAFCO, the agency determined that the Weavers' situation met the criteria for an exception under Government Code §56133(c), which allows for service extensions in response to an existing or impending threat to public health or safety.

In the absence of a clear policy and following the precedent set in 2021 when the City Council authorized an out-of-city water connection on Minnesota Avenue, staff informed the applicants they could appeal the administrative denial to the City Council. Following the denial, the Weavers submitted a formal appeal (Attachment 4) of the administrative decision on August 15, 2025, along with the required \$415 appeal fee. The matter is now being brought before the City Council for consideration as a public hearing under FBMC Section 1.06.040.

FISCAL IMPACT/FUNDING SOURCE

Cost of Connection to the City Sewer -The estimated cost to the applicant for connecting to the City sewer system includes the following:

- Building permit fee: \$175
- Inspection fee: \$160
- Connection fee: \$2,199–\$4,355 (depending on depth to the main)
- Capacity fee: \$2,640.34

Estimated total cost: \$5,174.34 – \$7,330.34. This cost is borne entirely by the applicant and does not require any City funding or budget appropriation.

Alternative Option – New Septic System or Secondary Leach Field

If the sewer connection is not approved, the property owners would need to pursue installation of a new septic system or a secondary leach field. Based on regional data and Mendocino County permitting requirements, the estimated costs are as follows:

- Conventional gravity septic system: \$15,000 – \$30,000
- Engineered or mound system (for poor soils or high water table): \$25,000 – \$50,000+
- Secondary leach field (replacement or expansion): \$10,000 – \$25,000+
- Additional costs could include:
 - Percolation and soil testing: \$1,000 – \$3,000
 - Design by a licensed engineer: \$2,000 – \$5,000
 - County permit fees: \$1,000 – \$2,500
 - Site preparation (grading, trenching, tree removal, etc.): \$2,000 – \$10,000

These costs are significantly higher than the proposed sewer connection and may still not result in a viable solution due to poor percolation in the area.

Anecdotal reports from neighboring property owners suggest that the soil conditions are inadequate for a new or expanded septic system, so the alternative option may be found to be infeasible for the owners.

ENVIRONMENTAL ANALYSIS:

The proposed action—approval of a sewer connection for a single-family residence located outside the boundaries of the City and Municipal Improvement District No. 1—is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(d). This section provides a categorical exemption for utility extensions, including water and sewer lines, of reasonable length to serve new small structures such as single-family homes.

While most utility connections within the City are processed ministerially and are therefore statutorily exempt under CEQA Guidelines Section 15268, this connection requires City Council and MID authorization by resolution due to its location outside the identified sphere of influence. As such, Section 15303(d) is the appropriate exemption for this action.

STRATEGIC PLAN/COUNCIL PRIORITIES/GENERAL PLAN CONSISTENCY

- **Policy LU-2.2:** Allows for out-of-area service agreements for sewer connections outside the Municipal Service District Boundary under specific conditions. **LU-2.2 cites compliance with** Resolution No. ID 230-2003, which created a policy for connections to the sewer system for projects that provide affordable housing. However, the 2003 Resolution allowing for sewer connections outside of the City Limits (referenced in this General Plan Policy) was deemed invalid by LAFCO as they found no evidence of being involved with its passage, nor does it comply with their policies. The conditions of the resolution are not met by this application; it does, however, ensure that an existing occupied residence may continue to be inhabited and supports the general intent of the policy.

- **Policy LU-2.5:** Discourages piecemeal annexations, which may limit the feasibility of annexing individual parcels like 31250 Cedar Street.

COMMUNITY OUTREACH

City staff sent letters on July 23, 2025, to six similarly situated property owners in the area informing them of the process for requesting out-of-district sewer connections. This outreach was conducted in response to multiple inquiries following the severe winter storms of 2024–2025. **No responses were received from any of the other property owners.**

Additionally, the issue of out-of-area connections and potential annexation was discussed at the September 24, 2024, Community Development Committee (CDC) meeting, where significant public opposition to annexation in the east Cedar Street area was received from adjacent property owners.

COMMITTEE REVIEW AND RECOMMENDATIONS

This item did not go before a formal committee. However, the CDC meeting in September 2024 and the two out-of-city water connections approved in 2021 provide relevant context and precedent for the staff's recommendation.

ALTERNATIVES:

1. **Approve the connection** as recommended.
2. **Deny the request**, requiring the property owner to pursue costly and potentially infeasible septic alternatives.
3. **Pursue annexation of Zone 2**, which would allow multiple properties to connect to City services but is complex, costly, and currently lacks public support.

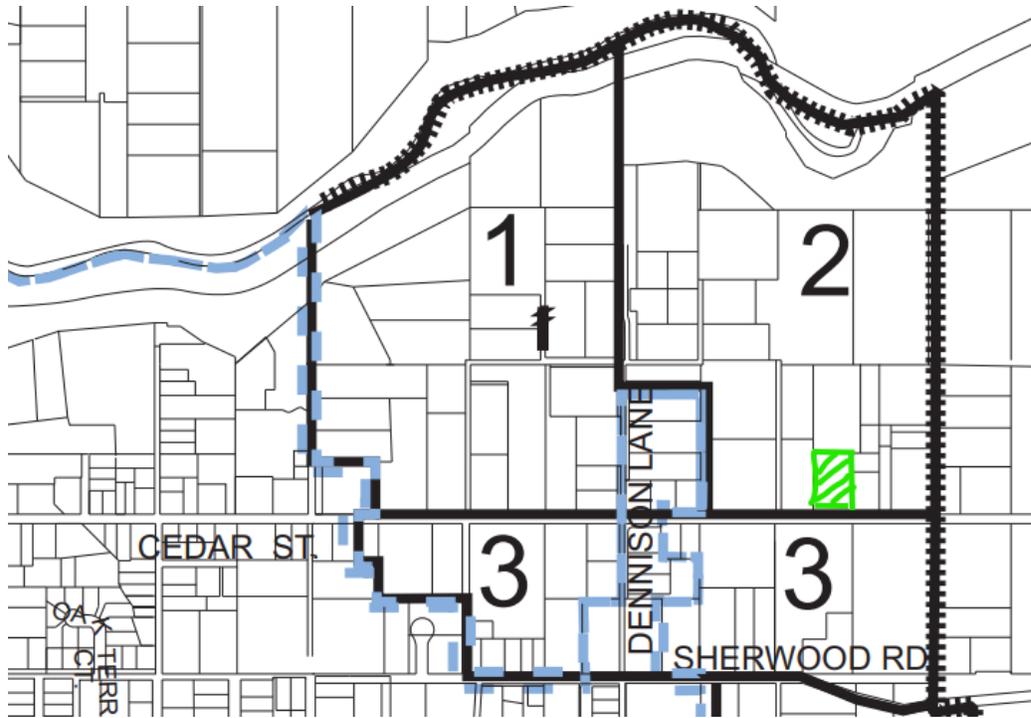


Figure 1: Excerpt from the Annexation Zones Map - Inland General Plan

ATTACHMENTS:

1. Resolution Authorizing Connection
2. Map of Out-of-Area Sewer Requests in 2024
3. LAFCO Instructions Email
4. Request for Sewer Service and Appeal by Applicant
5. Hearing Notice

NOTIFICATION:

1. Albert and Sondra Weaver
2. Mendocino LAFCO
3. "Notify Me" subscriber list for Public Hearings and City Council Agendas