



**Council**  
**Communication**  
Office of the City Manager

Date

October 9, 2006

Agenda Item No. 16  
Roll Call No. 06-  
Communication No. 06-655  
Submitted by: Larry Hulse, Director of  
Community Development

**AGENDA HEADING:**

Conditional pre-approval of tax abatement for proposed new single-family dwelling to be constructed at 202 Williams Street utilizing a private septic system.

**SYNOPSIS:**

David Edwards is seeking prior approval of tax abatement for a proposed new single-family dwelling upon a parcel he owns at 202 Williams Street. The City-wide Urban Revitalization Plan provides that improvements to property not served by the public sewer system are ineligible for tax abatement, unless certain conditions are satisfied. Mr. Edwards seeks prior approval to verify that his new dwelling will qualify for tax abatement upon completion.

**FISCAL IMPACT:**

The estimated value of the new single-family dwelling is \$185,000. The taxable value added by the construction of the new dwelling will come onto the tax rolls upon expiration of any tax abatement allowed.

**ADDITIONAL INFORMATION:**

The parcel at 202 Williams Street is not served by the public sewer system, and it is not feasible to extend the public sewer system to the parcel at this time. The City-wide Urban Revitalization Plan provides that improvements not served by the public sewer system are ineligible for tax abatement, unless the following apply:

EXCEPTIONS:

In the event that:

- i) public sewer is not available within 100 feet of the boundaries of the parcel of land upon which the improvement is made;
- ii) the improvement is assessed as residential property;
- iii) the parcel of land upon which the improvement is made was created prior to July 1, 1999, and not thereafter voluntarily reduced in size; and,
- iv) the owners of the property have entered into an agreement in recordable form acceptable to the City Legal Department agreeing to connect to the public sewer system when it becomes available and waiving the right to protest the assessment for such sewer;

then the use of a private sewage disposal system may be utilized if:

- a) the lot is two acres or less in size; or,

- b) the City Council has by resolution made a determination that the improvements will not jeopardize future development and improvements in the vicinity considering the following factors:
- (1) the location of the improvements on the lot must allow for future development to urban densities;
  - (2) the location of the improvements must not interfere with the logical extension of streets, water, sewer and other public infrastructure to serve future development in the vicinity; and,
  - (3) the improvement is reasonably accessible by emergency vehicles. Any private bridge or culvert use for such access must be of with and load bearing capacity sufficient to carry a fire truck and other emergency vehicles.

The City staff recommends that the City Council make the following findings, which warrant approval of the request for prior approval for tax abatement.

- a) Public sewer is not available within 100 feet of the boundaries of the parcel of land upon which the improvements are to be made;
- b) The improvements will be assessed as residential property;
- c) The parcel of land at 202 Williams Street containing approximately 3.58 acres was created prior to July 1, 1999, and not thereafter voluntarily reduced in size;
- d) The owners of the parcel have signed a Declaration of Covenants in a recordable form acceptable to the Legal Department agreeing to connect the improvements to the public sewer system when public sewer becomes available, and waiving the right to protest the assessment for such sewer;
- e) The construction of a new single-family dwelling upon the parcel will not jeopardize future development and improvements in the vicinity.

The City staff also recommends that the City Council grant prior approval of eligibility for tax abatement for the new dwelling at 202 Williams Street, subject to the following conditions:

- a) The Declaration of Covenants must be promptly recorded at the applicant's expense.
- b) Construction of the new single-family dwelling must be commenced under authority of a properly issued building permit by December 31, 2008 and must be completed as represented in the application prior to December 31, 2009.
- c) A driveway of sufficient width and load bearing capacity must be constructed from the public street to the house to allow fire and emergency vehicles to drive to within 30 feet of the new dwelling.
- d) The dwelling must be completed in compliance with the applicable provisions of the Zoning Ordinance, and the Building and Fire Codes.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Upon timely completion of the dwelling and receipt of an Application for Tax Abatement, the City will be asked to grant tax abatement.