



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

1030 Seminary Street, Suite B  
Napa, California 94559  
Telephone: (707) 259-8645  
Facsimile: (707) 251-1053  
www.napa.lafco.ca.gov

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*We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture*

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**December 3, 2012**  
**Agenda Item No. 7c (Action)**

November 28, 2012

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer  
Brendon Freeman, Analyst

**SUBJECT: Approval of an Outside Service Extension to Allow the Napa Sanitation District to Provide Sewer to 1166 Monticello Road (039-310-017)**

The Commission will consider approving a written request filed by the Napa Sanitation District to provide extraterritorial public sewer service by contract to an unincorporated property located at 1166 Monticello Road. Staff recommends approval of the request given the outside service extension would address an impending threat to public health and safety.

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Local Agency Formation Commissions (LAFCOs) are responsible under Government Code (G.C.) Section 56133 for authorizing cities and special districts to provide new or extended services by contract or agreement outside their jurisdictional boundaries as of January 1, 2001. Approval must comply with one of two geographic requirements. First, LAFCOs may only approve outside service extensions within the affected agencies' spheres of influence in anticipation of future changes of organization (i.e., annexation). Second, LAFCOs may only approve outside service extensions beyond the affected agencies' spheres of influence to respond to existing or impending public health or safety threats. Exceptions in which cities and special districts do not need LAFCO approval are limited.

**A. Background**

LAFCO of Napa County ("Commission") established a policy on outside service extensions in November 2008. The policy serves as a uniform guide to the Commission in considering requests by cities and special districts in providing new or extended outside services in a manner responsive to local conditions and preferences. This includes outlining specific policies and procedures in considering requests by agencies to provide services outside both their jurisdictional boundaries and spheres of influence; requests that can only be accommodated under G.C. Section 56133 to address existing or impending threats to public health or safety. The policy specifies – importantly – the Commission shall proactively address and accommodate impending threats to public health or safety in which all four of the following criteria applies:

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Lewis Chilton, Chair  
Councilmember, Town of Yountville

Joan Bennett, Commissioner  
Councilmember, City of American Canyon

Juliana Inman, Alternate Commissioner  
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair  
County of Napa Supervisor, 1st District

Bill Dodd, Commissioner  
County of Napa Supervisor, 4th District

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

- The subject property is zoned for residential type uses by the affected land use authority.
- The subject property comprises a legal lot of record as of January 1, 2001.
- The subject property is adjacent to a public right-of-way in which the affected service line is located.
- The proposed service extension can be accommodated by an appropriate connection for single family uses.

The policy also authorizes the Chair to approve a city or special district's request for an outside service extension if there is an impending public health or safety threat with formal ratification provided at the next regular meeting. However, and by practice, the Chair has only exercised this authority to approve requests involving impending threats so long as all four criteria factors listed above apply.

## **B. Discussion**

### *Written Request*

LAFCO of Napa County ("Commission") received a written request on November 21, 2012 from the Napa Sanitation District (NSD) to approve an outside service extension to provide sewer to 1166 Monticello Road; an approximate 4.2 acre unincorporated lot located near the intersection of Lorraine Drive. The subject lot is developed with an existing three-bedroom residence and immediately adjacent to the north by Milliken Creek. The subject lot lies outside NSD's sphere of influence and is not contiguous to any jurisdictional land. The subject lot does include, however, an easement running through the middle of the property that contains an NSD sewer line primarily used to collect effluent from Silverado.

### *Underlying Purpose*

The purpose of the request is to allow the landowners of the subject lot (Mike and Wendy Schackwitz) to abandon the septic system currently serving their single-family residence in favor of connecting to the nearby sewer line.<sup>1</sup> Pertinently, and in the course of preparing a site plan to secure a building permit to construct a guest cottage above an existing barn, contractors for the landowners have advised the septic system is failing due to the intrusion of tree roots. Options to replace and/or relocate the septic system are limited, however, due to setback requirements given the subject lot's proximity to Milliken Creek. To this end, NSD's application materials include correspondence from County Environmental Management Services stating there is sufficient evidence to suggest the septic system is failing and recommends connecting the subject lot to NSD to prevent a threat to public safety.

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<sup>1</sup> The current owners of the subject lot purchased the property in 2009 and it is currently used as a second residence.

## **C. Analysis**

### *Policy Considerations*

As referenced, the Commission's policy on outside service extensions only contemplates approving requests involving lands beyond agencies' spheres of influence for purposes of addressing public health or safety threats if four specific criteria apply. Three of the four criteria factors – legal lot as of January 2001, adjacent to an existing service line, and accommodate a single-family use – apply to NSD's request to provide outside sewer service to 1166 Monticello Road. A fourth factor – zoned for residential use – does not apply since the subject lot is zoned by the County as *Agricultural Preserve*. Additionally, because this fourth factor does not apply, approval authority over NSD's request reverts back to the Commission.

Approving outside sewer service extensions into agricultural zoned lands is disconcerting given the Commission's mandates and policies. However, in this specific circumstance, NSD's request to extend sewer service to 1166 Monticello Road appears reasonable given three unique factors specific to the subject lot. First, the subject lot is already developed with a single-family residence and cannot be further divided under existing zoning allowances.<sup>2</sup> Second, because it is also designated for an agricultural use under the County General Plan, the subject lot cannot be redesignated for an urban use without voter approval under Measure P.<sup>3</sup> Third, an existing sewer line of NSD traverses the subject lot through an easement agreement established decades earlier. These unique factors provide reasonable assurances outside sewer service to the subject lot will not facilitate urban encroachment into agricultural lands or establish a broad policy precedent for replication elsewhere while also removing a septic system from a floodplain through a nominal infrastructure expansion.

### *Mandatory Considerations*

Commission policy requires the agency to consider three specific factors in reviewing outside service extension requests. An analysis of all three factors as it relates to the request by NSD to extend sewer service to 1166 Monticello Road follows.

- **Ability of Agency to Extend Services to the Affected Land**

The subject lot currently receives sewer service through a private septic system. It is estimated the current average daily sewer flow generated from the subject lot when occupied is 210 gallons and increases by two and one-half to 525 gallons during peak periods (i.e., wet months). These current flow estimates – comparatively – represent less than one one-hundredth of a percent of NSD's current system demand and would consume approximately two one-thousandths of a percent of the available capacity. Further urban development of the affected territory is prohibited under the County's General Plan and Zoning Ordinance

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<sup>2</sup> Zoning requires a minimum lot size of 40 acres.

<sup>3</sup> The subject lot is designated under the County General Plan as *Agricultural Resource*.

with the exception of adding a guest cottage. The potential buildout of the affected territory, accordingly, would result in negligible impacts on NSD’s sewer system. Furthermore, NSD attests the trunk line that would connect the subject lot to the District’s collection and treatment system can adequately accommodate the new demands without adversely impacting existing ratepayers.

Sewer Comparables	Average Day	Peak Day
Systemwide Flows: Affected Territory Not Served by NSD	6,700,200	33,700,500
Systemwide Flows: Affected Territory Served by NSD	6,700,410	33,701,025
Systemwide Capacity	15,400,000	126,200,000

\* Capacity during peak-day incorporates 340 acre-feet of adjacent pond storage.

- **Consistency with the Policies and General Plans of the Affected Agencies**  
See preceding section.
- **Effect on Growth and Development Within and Adjacent to Affected Land**  
See preceding section.

***Environmental Review***

The Commission serves as the lead agency under the California Environmental Quality Act (CEQA) and is responsible for making findings with respect to the potential impacts associated with authorizing outside sewer service to 1166 Monticello Road. Staff has reviewed the request and has determined it is a project subject to CEQA, but qualifies for an exemption from further review under Public Resources Code Section 21080(b)(4). The statute provides categorical exemptions for “specific actions necessary to prevent or mitigate an emergency.” Accordingly, if the request is approved, staff will file a notice of exemption with the County Clerk-Recorder’s Office as required under CEQA within five business days.

***Approval Conditions***

The Commission has broad authority to condition approvals under G.C. Section 56133 so long as the terms do not directly regulate land uses. Towards this end, the following approval conditions are recommended if the Commission authorizes NSD to provide outside sewer service to 1166 Monticello Road.

- Payment of an application fee to the Commission in the amount of \$2,832 as provided under the agency’s adopted fee schedule. The payment shall be submitted and verified by the Executive Officer.
- Payment of an administrative fee to the Commission in the amount of \$50 to recover the cost of filing a notice of exemption with the Clerk-Recorder’s Office. The payment shall be submitted and verified by the Executive Officer.

- Receipt of written consent by the Executive Officer from the landowners agreeing to annex the subject lot to NSD if and when it is deemed appropriate by the Commission. The consent will include the landowners agreeing to cover their proportional cost to annex the subject lot consistent with the adopted fee schedule.
- Written confirmation from County Environmental Management Services the landowners have obtained a septic tank destruction permit for the subject lot.

#### **D. Recommendation**

Staff recommends the Commission approve NSD's request to provide outside sewer service by contract to 1166 Monticello Road for the purpose of addressing an impending threat to public health and safety as allowed under G.C. Section 56133. It is also recommended the Commission condition approval to include the terms outlined in the preceding section.

#### **E. Alternatives for Action**

The following alternative actions are available to the Commission.

##### **Alternative One (Recommended):**

Adopt the draft resolution by motion authorizing NSD to provide outside sewer service to 1166 Monticello Road to address an impending threat to public health and safety. Approval conditions would apply as specified in this report unless otherwise provided by the Commission.

##### **Alternative Two:**

Continue consideration by motion of NSD's request to provide outside sewer service to 1166 Monticello Road to a future meeting and direct staff to provide additional information as specified.

##### **Alternative Three:**

Deny the request by motion of NSD's request to provide outside sewer service to 1166 Monticello Road.

**F. Procedures for Consideration**

This item has been agenzied for action. The following procedures are recommended with respect to the Commission's continued consideration of this item:

- 1) Receive verbal report from staff;
- 2) Invite comments from any interested audience members (voluntary); and
- 3) Discuss item and consider action on recommendation.

Respectfully submitted,

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Keene Simonds  
Executive Officer

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Brendon Freeman  
Analyst

Attachments:

- 1) Commission Policy on Outside Service Extensions
- 2) Application Materials
- 3) Area Maps of Subject Lot
- 4) Draft Resolution of Approval for NSD Request



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Outside Service Agreements*

Adopted: November 3, 2008

Amended: June 6, 2011

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 includes provisions requiring cities and special districts to request and receive written approval from the Commission before providing new or extended services by agreements outside their jurisdictional boundaries with limited exemptions (Government Code Section 56133). The Commission may authorize a city or special district to provide new or extended service outside their jurisdictional boundary in anticipation of a subsequent change of organization, such as an annexation. The Commission may also authorize a city or special district to provide new or extended service outside their jurisdictional boundary and sphere of influence to address an existing or future threat to the public health or safety.

#### **II. Purpose**

The purpose of these policies is to guide the Commission in reviewing city and special district requests to provide new or extended services by agreement outside their jurisdictional boundaries. This includes making policy statements and establishing consistent procedures with respect to the form, review, and consideration of requests.

#### **III. Objective**

The objective of the Commission in implementing these policies is to ensure the extension of services by cities and special districts outside their jurisdictional boundaries is logical and consistent with supporting orderly growth and development in Napa County. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies.

#### **IV. Outside Service Agreement Policies**

##### **A. General Statements**

- 1) Annexations to cities and special districts involving territory located within the affected agency's sphere of influence is generally preferred to outside service agreements. The Commission recognizes, however, there may be instances when outside service agreements involving territory within the affected agency's sphere of influence is appropriate given local circumstances.
- 2) The Commission shall authorize a city or special district's request to provide new or extended services outside their jurisdictional boundary and sphere of influence only in response to either an (a) existing or (b) impending threat to public health or safety in accordance with Government Code Section 56133(c).

- 3) The Commission recognizes the importance of proactively addressing impending threats to public health and safety in considering requests for outside water and sewer services in support of existing and planned residential uses with reasonable access to existing infrastructure. Accordingly, the Commission will consider outside water and sewer service requests for purposes of addressing an impending public health or safety threat if all of the following criteria is applicable:
  - (a) The subject property is zoned for residential type uses by the affected land use authority.
  - (b) The subject property comprises a legal lot of record as of January 1, 2001.
  - (c) The subject property is adjacent to a public right-of-way in which the affected service line is located.
  - (d) The proposed service extension can be accommodated by an appropriate connection for single-family uses.
- 4) The Commission authorizes the Chair to approve a city or special district's request for an outside service agreement if there is an existing or impending public health or safety emergency. The Commission shall ratify the Chair's determination at the next regular scheduled meeting.
- 5) All requests for outside service agreements are subject to the applicable provisions of the California Environmental Quality Act.
- 6) Commission approval is not required for cities or special districts to provide new or extended services outside their jurisdictional boundaries if any of the following conditions apply in accordance with Government Code Section 56133(e):
  - (a) The agreement involves two or more public agencies where the contracted service is an alternative or substitute for public services already provided.
  - (b) The agreement involves the transfer of non-potable or non-treated water.
  - (c) The agreement involves the provision of surplus water to agricultural lands for conservation projects or to directly support agricultural industries.
  - (d) The agreement involves an extended service that a city or special district was providing on or before January 1, 2001.

The Commission encourages cities and special districts to work with the Executive Office in determining when the above exemptions may apply.

## **B. Form of Request**

Requests to authorize an outside service agreement shall be filed with the Executive Officer by the affected city or special district. Requests shall be made in writing with a cover letter accompanying a completed application using the form provided in Attachment A. Requests shall also include a check in the amount prescribed under the Commission's adopted fee schedule along with a copy of the proposed service agreement. The application shall be signed by an authorized representative of the city or special district.

## **C. Review of Request**

The Executive Officer shall review and determine within 30 days of receipt whether the request to authorize an outside service agreement is complete. If a request is deemed incomplete, the Executive Officer shall immediately notify the applicant and identify the information needed to accept the request for filing.

## **D. Consideration of Request**

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration. The public hearing will be scheduled for the next regular meeting of the Commission for which adequate notice can be given but no later than 90 days from the date the request is deemed complete. The Executive Officer's written report will be made available to the public for review prior to the scheduled hearing and include an evaluation of the following three factors:

- 1) The ability of the applicant to extend the subject service to the affected land.
- 2) The application's consistency with the policies and general plans of all affected local agencies.
- 3) The application's effect on growth and development within and adjacent to the affected land.

The Commission may approve the request with or without conditions. If denied, the affected city or special district can ask for reconsideration within 30 days.



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Dedicated to Preserving the Napa River for Generations to Come

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November 20, 2012

RECEIVED

NOV 21 2012

NAPA COUNTY  
LAFCO

Mr. Keene Simonds  
Executive Officer  
Local Agency Formation Commission of Napa County  
1030 Seminary Street, Suite B  
Napa, CA 94559

SUBJECT: Outside Service Agreement Application  
1166 Monticello Road (APN 039-310-017)

Dear Mr. Simonds:

The Napa Sanitation District (District) requests conditional approval from the Local Agency Formation Commission (LAFCO) of Napa County to enter into an outside service agreement with the landowner at 1166 Monticello Road (APN 039-310-017) in the County of Napa pursuant to Government Code Section 56133. The affected territory currently consists of a single-family residence.

The purpose of the outside service agreement is to expedite the connection to the District's public sewer line given the single-family residence's septic system has failed and creates a threat to public health as stated in the letter from Napa County Environmental Health dated November 16, 2012.

If you have further questions, please contact Andrew Damron at (707) 258-6000 ext 507.

Sincerely,

Timothy B. Healy, P.E.  
General Manager/District Engineer

Attachments: Outside Service Agreement Application



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

**APPLICATION  
OUTSIDE SERVICE AGREEMENT**

**A. Applicant Information**

- 1) Agency Name: NAPA SANITATION DISTRICT
- 2) Contact Person and Title: ANDREW DAMRON, ASSOCIATE ENGINEER
- 3) Contact Information: 707.258.6000 ADAMRON@NAPASAN.COM  
Telephone x 507 E-Mail
- 4) Mailing Address: 935 HARTLE CT NAPA CA 94559  
Address City, State, Zip Code

**B. Type of Outside Service Agreement**

- 1) New  Extended
- 2) Water  Sewer  Other: \_\_\_\_\_

**C. Location of Territory to be Served**  
(attach additional sheets if necessary)

- 1) Assessor Parcel Number: 039-310-017 (1166 MONTICELLO RD)  
Size: 4.22 AC Current Use: RESIDENTIAL
- 2) Assessor Parcel Number: \_\_\_\_\_  
Size: \_\_\_\_\_ Current Use: \_\_\_\_\_
- 3) Assessor Parcel Number: \_\_\_\_\_  
Size: \_\_\_\_\_ Current Use: \_\_\_\_\_

**D. Service Information**

- 1) Describe how the agency would provide the proposed new or extended service to the subject territory. Please identify any necessary infrastructure or facility improvements and associated funding requirements necessary to provide service to the subject territory.

THERE IS AN EXISTING 12-INCH TRUNK MAIN  
THAT CROSSES THROUGH THE PROPERTY  
(MILLIKEN TRUNK).

- 2) If the proposed new or extended service involves water or sewer, identify the anticipated demand in terms of use (i.e., gallons) associated with serving the subject territory.

1 SINGLE-FAMILY HOME = 210 GAL/DAY

- 3) Does the agency have sufficient capacities to provide the proposed new or extended service to the subject territory without adversely effecting existing service levels?

YES

- 4) What services, if any, are currently provided to the subject territory?

NONE BY NAPA SANITATION DISTRICT

**E. Additional Information**

- 1) Identify the subject territory's land use designation and zoning standard along with the minimum parcel density requirements.

~~AP:RC~~

ZONING = AP : RC

- 2) Are there any proposed or approved, but not yet built, development projects involving the subject territory?

Yes  No

If yes, describe the proposed projects or the approved permits/land use entitlements.

NONE KNOWN AT THIS TIME

- 3) The Commission's action regarding this request by the agency to provide new or extended services outside its jurisdictional boundary is subject to the requirements of the California Environmental Quality Act (CEQA). Has the agency conducted any CEQA reviews for any projects associated with this application?

Yes  No

If yes, please provide copies of the environmental documentation, including the Notice of Exemption or Notice of Determination as well as proof of payment of applicable California Department of Fish & Game fees.

- 4) Is the subject territory located within the agency's sphere of influence?

Yes  No

If no, please identify whether there is an existing or impending threat to public health and safety or to the residents in support of the application.

LETTER FROM NAPA COUNTY ENVIRONMENTAL HEALTH

DATED 11/16/12 INDICATES THAT THE FAILURE OF THE  
ONSITE SEWAGE DISPOSAL SYSTEM IS A THREAT TO  
PUBLIC HEALTH.



A Tradition of Stewardship  
A Commitment to Service

November 16, 2012

Keen Simonds  
Executive Officer  
Local Agency Formation Commission of Napa County  
1030 Seminary Street, Suite B  
Napa, California 94559

Subject: Recommendation for Connection to NSD at 1166 Monticello Rd, Napa APN

Dear Mr. Simonds,

Based upon recommendation and evidence provided by Stillwater Civil Engineering, this Department recommends approval of the sewer line connection at 1166 Monticello Rd to Napa Sanitation District. Based on information provided, the existing sewage disposal field is in close proximity to a blue line creek, within a floodway, has had a history of unsatisfactory function, and other setbacks on the property limit the possibility for a future replacement onsite wastewater disposal system. It is our understanding that the property owner has begun, or will begin, the process to connect to the Napa Sanitation District. As the failure of an onsite sewage disposal system creates a threat to public health, we would recommend that this parcel be connected to the Napa Sanitation District as soon as possible.

Once the owner has connected to the Napa Sanitation District the tank shall be destroyed and the leach lines abandoned within 30 days of connection. Before our Office can give approval for connection to the Napa Sanitation District a tank destruction permit shall be obtained. The tank destruction permit fee is \$183.06.

If you have any questions or concerns please contact me at 707-253-4471, Monday through Thursday.

Regards,

A handwritten signature in blue ink that reads "Peter Ex".

Peter Ex, REHS  
Senior Environmental Health Specialist

Planning, Building & Environmental Services

1195 Third Street, Suite 210  
Napa, CA 94559  
www.countyofnapa.org

Hillary Gitelman  
Director

RECEIVED  
NOV 19 2012  
NAPA COUNTY  
LAFCO

Stillwater Civil Design

1090 Shetler Ave., Napa, CA 94559 – (707) 974-9261 – stillwatercivil@gmail.com

November 1, 2012

Peter Ex, REHS  
Senior Environmental Health Specialist  
Napa County Planning, Building and Environmental Services  
1195 Third Street, Room 101  
Napa, CA 94559

Re: LAFCO sewer connection recommendation letter for 1166 Monticello Rd.

Mr. Ex,

The owners at 1166 Monticello Rd, Napa, CA 94558 (APN 039-310-017) are adding a one room apartment above an existing barn on their property. The apartment will have a bathroom with a sink and toilet and a bar sink located in the main room. The existing septic system which serves the existing two bedroom house was build prior to 1977 as indicated by documentation in the Napa County parcel file for the property. The septic system is located directly on the top of bank of Milliken Creek which could pose a health threat due to its close proximity to the creek. Many large trees have grown above the existing septic field and their root systems have most likely inundated the septic field compromising its design. The owners of the property and two contractors (Rodman Construction and Binstock Enterprises) have observed that the existing septic tank tends to back up indicating a problem with the septic field. I feel that there is sufficient evidence to support that existing septic system is in failure and may pose a health concern.

The property owners have performed a site evaluation of the property on August 21, 2012. The site evaluation showed that site constraints limit the available septic area suitable for a septic system and the engineer that conducted the site evaluation (Bartelt Engineering) recommends connection to the Napa Sanitation District (NSD) sewer line that runs through the property. I have began the permitting process with LAFCO and NSD in order to gain approval to connect to the sewer pipe. LAFCO requires a letter from Napa County Environmental Services recommending a connection to the sewer pipe for heath concerns due to the failure of the existing septic system, failure of the existing septic system to meet current health code standards and due to limited area currently available for the installation of a new septic field and reserve area. We request that you please provide a letter to LAFCO indicating your recommendation to connect to the sewer pipe.

Please feel free to contact me regarding this request at (707) 974-9261.

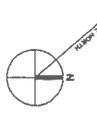
Thank you,

J. Rangel Gonzales, P.E., QSP/QSD

Stillwater Civil Design

1090 Shetler Ave., Napa, CA 94559 – (707) 974-9261 – stillwatercivil@gmail.com

**A** SITE PLAN  
SCALE: 1" = 25'-0"



**A1.10**

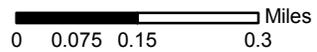
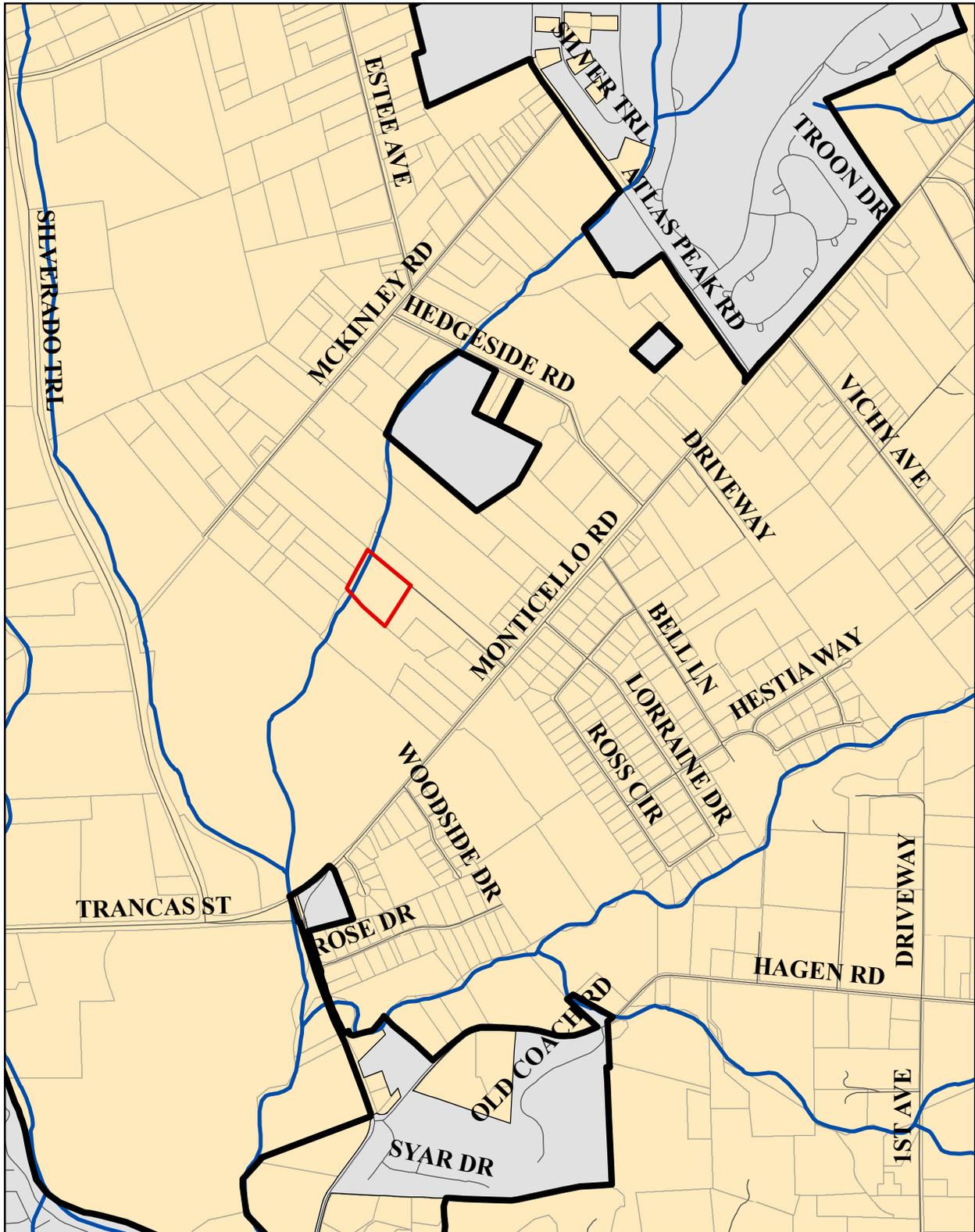
SITE PLAN  
DATE: APRIL 23, 2012  
PROJECT: 10102

NO.	DATE	REVISIONS
1		
2		
3		
4		
5		

**A New Storage Building for:**  
**Mike & Wendy Schackwitz**  
 1166 Monticello Road, Napa, CA 94558  
 APN: 039-310-017

**PAUL KELLEY ARCHITECT**  
 1436 Second Street, No. 182, Napa, CA 94559  
 phone 707.257.1148 Fax 707.858.4500  
 www.paulkelleyarchitecture.com

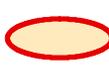
# 1166 Monticello Road



October 24, 2012  
Prepared by BF

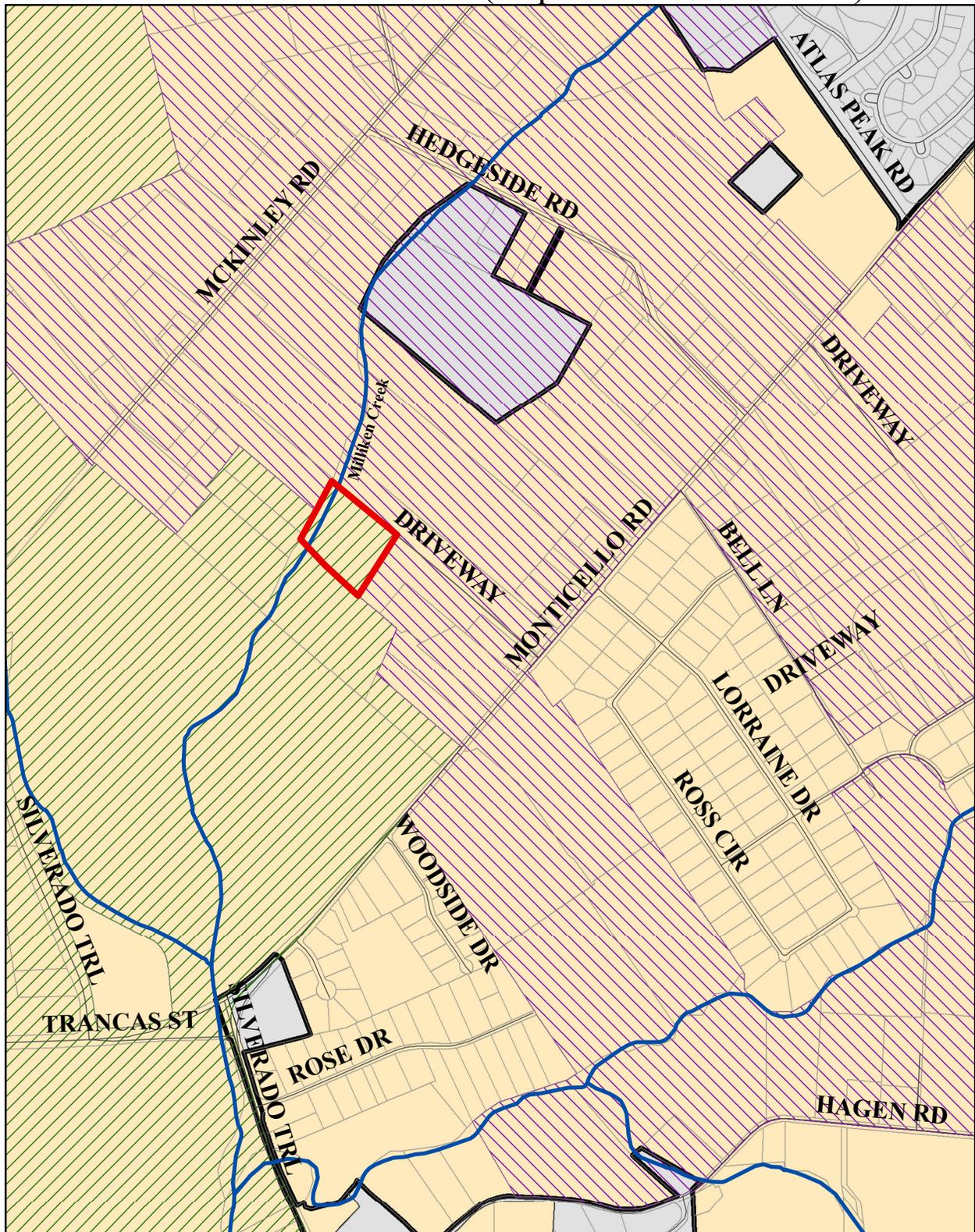


### Legend

-  Napa Sanitation District
-  Napa Sanitation District Sphere of Influence
-  1166 Monticello Road (APN 039-310-017)

LAFCO of Napa County  
1030 Seminary Street, Suite B  
Napa, California 94559  
<http://napa.lafco.ca.gov>

# Proposed Outside Service Agreement 1166 Monticello Road (Napa Sanitation District)



### Legend

- |   |  |   |                                       |
|---|--|---|---------------------------------------|
|  | Napa Sanitation District                     |  | Residential Country Zoning District   |
|  | Napa Sanitation District Sphere of Influence |  | Agricultural Preserve Zoning District |
|  | 1166 Monticello Road (APN 039-310-017)       |   |                                       |

0 0.05 0.1 0.2 Miles

November 28, 2012  
Prepared by BF



**LAFCO of Napa County**  
1030 Seminary Street, Suite B  
Napa, California 94559  
<http://napa.lafco.ca.gov>

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE  
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
MAKING DETERMINATIONS**

**APPROVAL OF AN OUTSIDE SEWER SERVICE AGREEMENT REQUEST  
NAPA SANITATION DISTRICT AND 1166 MONTICELLO ROAD (039-310-017)**

**WHEREAS**, the Local Agency Formation Commission of Napa County, hereinafter referred to as the “Commission,” administers California Government Code Section 56000 et. seq., known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the Commission is responsible for authorizing cities and special districts to enter into outside service agreements in accordance with California Government Code Section 56133; and

**WHEREAS**, the Commission’s Executive Officer received request from the Napa Sanitation District seeking Commission approval of an outside sewer service agreement involving territory located at 1166 Monticello Road in unincorporated Napa County (039-310-017), hereinafter referred to as the “proposal”; and

**WHEREAS**, the subject territory lies outside the adopted sphere of influence established for the Napa Sanitation District; and

**WHEREAS**, California Government Code Section 56133 allows the Commission to authorize new or extended services outside the affected agency’s jurisdictional boundary and sphere of influence in response to an existing or impending threat to public health or safety; and

**WHEREAS**, the proposal includes documentation provided by the County of Napa Environmental Management Services recommending approval of the proposal to address an impending threat to public health and safety given the subject lot’s septic system has begun to fail; and

**WHEREAS**, the Executive Officer prepared and presented a written report on the proposal to the Commission in the manner provided by law and adopted policy;

**WHEREAS**, the Commission received and fully considered all the evidence presented by the Executive Officer on the proposal at a public meeting held on December 3, 2012.

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER** as follows:

1. In accordance with the applicable provisions of the California Environmental Quality Act (CEQA), the Commission finds the proposal is a project exempt from further review under Public Resources Code Section 21080(b)(4). The statute provides categorical exemptions for “specific actions necessary to prevent or mitigate an emergency.” The Commission finds the proposal qualifies for this exemption given the extension of public sewer to the subject territory addressing an impending threat to public health and safety given evidence of a failing septic system. The records in which these findings are made are located at the Commission’s administrative office located at 1030 Seminary Street, Suite B, Napa, California 94559.
2. The Commission approves the proposal on the basis on addressing an impending threat to public health and safety as provided under Section 56133.
3. The Commission’s approval is subject to the following conditions.
  - (a) Receipt of an application fee made payable to “LAFCO of Napa County” in the amount of \$2,832.00.
  - (b) Receipt of an administrative fee made payable to “LAFCO of Napa County” in the amount of \$50.00 to receive the cost of filing a notice of exemption with the County of Napa Clerk-Recorder’s Office.
  - (c) Receipt of written consent from the affected landowners agreeing to annex the subject territory if and when it is deemed appropriate by the Commission. The consent will include the landowners agreeing to cover their proportional cost to annex the subject territory consistent with the Commission’s adopted fee schedule unless waived.
  - (d) Receipt of written confirmation from the County of Napa’s Environmental Management Services the affected landowners have obtained a septic tank destruction permit for the subject territory.
4. The Commission authorizes the Executive Officer to confirm and provide notice when all approval conditions have been satisfied.
5. The Commission waives the hearing requirement and other processing provisions voluntarily included in its adopted policy on outside service extensions.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on December 3, 2012, by the following vote:

AYES:           Commissioners       \_\_\_\_\_

NOES:           Commissioners       \_\_\_\_\_

ABSTAIN:       Commissioners       \_\_\_\_\_

ABSENT:        Commissioners       \_\_\_\_\_

Recorded by:  
\_\_\_\_\_  
Kathy Mabry  
Commission Secretary