



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

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

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

Agenda Item 7b (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: June 3, 2019

SUBJECT: Ratification of an Outside Water Service Agreement Involving the City of Napa and 1087 La Grande Avenue and Associated CEQA Findings

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Ratification of an Outside Water Service Agreement Approval Involving the City of Napa and 1087 La Grande Avenue making California Environmental Quality Act (CEQA) findings (Attachment One).

BACKGROUND AND SUMMARY

Area: 0.85 acres
APN: 049-061-002 (one parcel)
Location: 1087 La Grande Avenue
Jurisdiction: County of Napa (unincorporated)
Sphere of Influence (SOI) Consistency: No
Proposed Actions: Ratification of approved outside service agreement
Policy Consistency: Yes
CEQA: Exempt

The affected territory includes one single-family residence that relies on a private, domestic well for its potable water supply. The County of Napa's Environmental Health Division confirmed the well contains 0.49 mg/L arsenic, while the United States Environmental Protection Agency's recommended contaminant level for arsenic is 0.10 mg/L. This excessive amount of arsenic in the well represents a threat to public health. County Environmental Health recommended the residence be connected to the City of Napa's public water system as soon as possible.

Kenneth Leary, Vice Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Gregory Rodeno, Chair
Representative of the General Public

Vacant, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Pursuant to California Government Code (G.C.) Section 56133(c), and if consistent with adopted policy, the Commission may authorize a city or special district to provide new or extended services outside its jurisdictional boundary and SOI to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

- 1) The entity applying for approval has provided the Commission with documentation of a threat to the health and safety of the public or the affected residents.
- 2) The Commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the Commission.

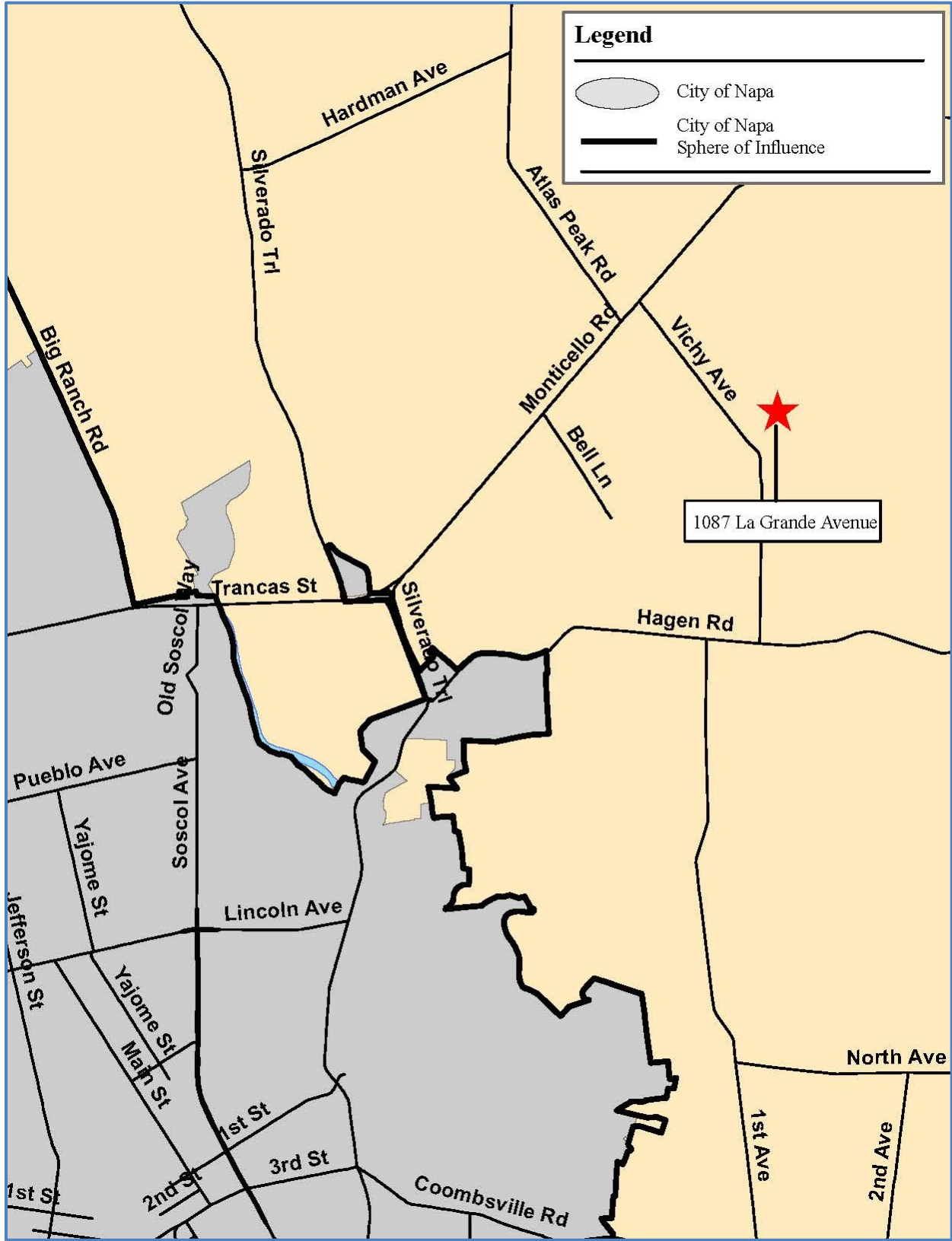
On April 22, 2019, the Executive Officer received a written request from the City to provide public water service to the affected territory, included as Attachment Two. The City's request includes documentation of a threat to the health of affected residents as confirmed by County Environmental Health. There are no alternate service providers. Therefore, both of the referenced requirements of G.C. Section 56133(c) are met.

On April 30, 2019, the Executive Officer approved the request consistent with the Commission's adopted *Policy on Outside Service Agreements* ("the Policy") conditioned upon the landowner submitting the application fee to cover staff time and materials associated with processing the outside service request. The Policy is included as Attachment Three. The Executive Officer's approval is included as Attachment Four. The referenced condition of approval was satisfied on May 3, 2019.

The recommended action is for the Commission to adopt a resolution ratifying the Executive Officer's approval.¹

A map showing the affected territory, the City's jurisdictional boundary, and the City's SOI is provided on the following page. An aerial map is included as Attachment Five.

¹ The Policy states: "In the case of a request involving an existing or impending public health or safety emergency, the Executive Officer will consult with the Chair regarding the request. If the Chair agrees that the request should be granted, then the Executive Officer may approve the request. ***The Commission shall ratify the approval at the next scheduled meeting.*** If the Chair does not agree, then the request will be presented at the Commission's next meeting." (Emphasis added by staff)



ANALYSIS

The Policy directs its members to consider seven specific factors in reviewing requests by cities and special districts to provide new or extended services outside their jurisdictional boundaries and SOIs. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process. An evaluation of these factors as it relates to the City's request follows.

(1) The ability of the applicant to extend the subject service to the affected territory.

The City of Napa's Urban Water Management Plan 2015 Update (UWMP) was adopted on September 5, 2017, and estimates the total annual raw water supply during normal conditions is 31,778 acre-feet. The City's total annual water supply decreases to 24,001 acre-feet during multiple-dry year conditions and 16,867 acre-feet during single-dry year conditions. The City's available water supplies are more than sufficient under all conditions in accommodating annual demands, which totaled 12,034 acre-feet in 2015.

The estimated annual water demand for the affected territory will be approximately 0.3 to 0.5 acre-feet, or 98,000 to 163,000 gallons. This expected demand is negligible with respect to the total current amount of water delivered by the City. The City has sufficient water supply, treatment, storage, and delivery capacities to serve the affected territory at its projected usage without adversely affecting existing customers.

The City's application materials indicate the affected territory will connect to the City's existing 6-inch water main on La Grande Avenue. The water meter will be set near the existing bank of five meters and the service line will extend down the driveway to the existing residence.

(2) The application's consistency with the policies and general plans of all affected local agencies.

The affected territory is unincorporated and designated *Rural Residential* in the County of Napa General Plan. Further, the affected territory is zoned *Residential Country*. The General Plan designation and zoning are both consistent with the existing residential uses within the affected territory. The outside water service to the affected territory is inconsistent with LAFCO's adopted sphere of influence for Napa, but appears reasonable given its proximity to Napa's existing 6-inch water main on La Grande Avenue that already serves several nearby properties. The proposed service is consistent with the Policy given County Environmental Health's confirmation of an existing threat to public health involving high levels of arsenic in the well water serving the affected territory.

(3) The application's effect on growth and development within and adjacent to the affected territory.

The affected territory comprises one unincorporated parcel that is currently built out given it is developed with a three-bedroom, two-bathroom, single-family residence as well as a legal guest cottage and shed. All adjacent properties are also developed with residential uses consistent with their *Rural Residential* land use designation under the County General Plan and *Residential Country* zoning. Therefore, connection to the City's public water system could not be expected to result in new growth or development within or adjacent to the affected territory.

(4) The documentation presented pursuant to G.C. Section 56133(c)(1), which must provide substantial evidence to support a finding by the Commission of an impending threat to the health or safety of the public or the residents of the affected territory.

As noted on page one of this report, the County of Napa's Environmental Health Division confirmed the well is contaminated with excessive arsenic, representing a threat to public health. Documentation of well contamination is provided as part of the City's application materials, included as Attachment Two.

(5) The application's potential impacts on prime agricultural or open space lands.

The outside water service agreement would have no impacts on prime agricultural or open space lands given the affected territory is built out with a single-family residence, guest cottage, and shed. Further, the affected territory would connect to an existing 6-inch water main on La Grande Avenue.

(6) The application's consistency with the Commission's adopted municipal service review determinations and recommendations.

The Commission's *Central County Region Municipal Service Review*, adopted in 2014, indicates the City has established adequate systemwide capacities and controls relating to public water service. While the *Central County Region Municipal Service Review* does not include determinations or recommendations specific to the affected territory, it does identify the numerous existing outside water service connections in the Monticello Road unincorporated area that predate the existence of LAFCO.

(7) The application's potential impacts with respect to supporting affordable or farmworker housing.

The outside water service agreement would have no impacts with respect to supporting affordable or farmworker housing given the affected territory is built out with a single-family residence, guest cottage, and shed.

ENVIRONMENTAL REVIEW

The outside water service agreement qualifies for an exemption from further review under Public Resources Code Section 21080(b)(4). The statute provides exemptions for “specific actions necessary to prevent or mitigate an emergency.” Staff believes this exemption is appropriate given the underlying activity mitigates a public health threat.

ATTACHMENTS

- 1) Draft Resolution Ratifying Approval of Outside Service Agreement and Making CEQA Findings
- 2) Application Materials from the City of Napa for Outside Service Agreement
- 3) Policy on Outside Service Agreements
- 4) Executive Officer’s Letter Approving the Outside Service Agreement
- 5) Aerial Map of 1087 La Grande Avenue

RESOLUTION NO. ____

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

**RATIFICATION OF AN OUTSIDE WATER SERVICE AGREEMENT APPROVAL INVOLVING
THE CITY OF NAPA AND 1087 LA GRANDE AVENUE**

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 received an application from the City of Napa, hereinafter referred to as the “proposal”, requesting the approval of an outside water service agreement involving unincorporated territory located at 1087 La Grande Avenue, identified by the County of Napa Assessor’s Office as 049-061-002; and

WHEREAS, Commission policy allows the Executive Officer to approve an outside service agreement to address an emergency public health threat subject to later ratification by the Commission; and

WHEREAS, the Executive Officer conditionally approved the proposal on April 30, 2019, given documentation showing the domestic well serving the affected territory is contaminated with excessive levels of arsenic, creating a public health threat; and

WHEREAS, the Executive Officer’s condition of approval for the outside service agreement required the affected landowner to submit the appropriate application fee; and

WHEREAS, the condition of approval for the outside service agreement was satisfied on May 3, 2019; and

WHEREAS, the Executive Officer prepared and presented a written report to the Commission in the manner provided by law and adopted policy for purposes of considering ratification of the Executive Officer’s approval; and

WHEREAS, the Commission heard and fully considered all the evidence presented on the outside service agreement proposal at a public meeting held on June 3, 2019.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, FIND, 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 statutorily exempt from further review under Public Resources Code Section 21080(b)(4), which exempts “specific actions necessary to prevent or mitigate an emergency.” The records upon 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 ratifies the Executive Officer’s outside service agreement approval.
3. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

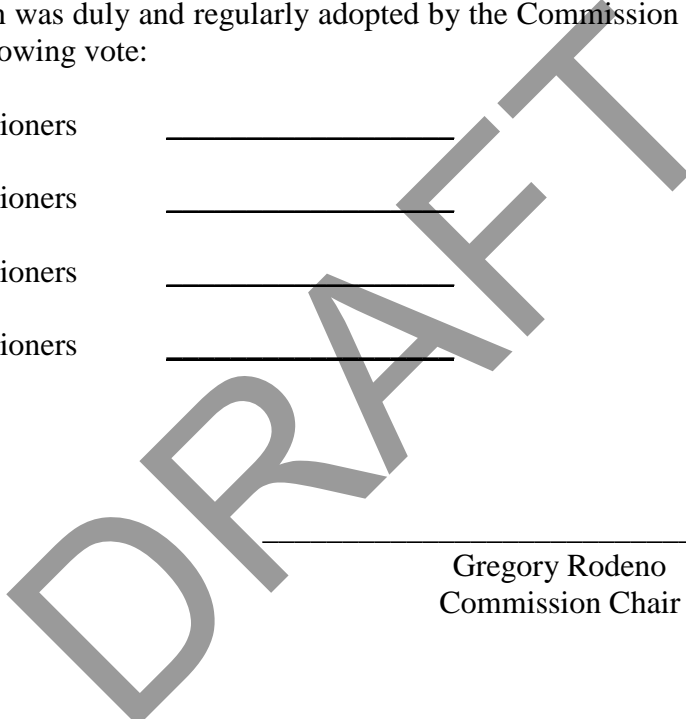
The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on June 3, 2019, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____



 Gregory Rodeno
 Commission Chair

ATTEST: _____
 Brendon Freeman
 Executive Officer

Recorded by: Kathy Mabry
 Commission Secretary



Date: April 22, 2019

Napa County
Local Agency Formation Commission (LAFCO)
Attention: Brendon Freeman, Executive Director
1030 Seminary Street, Suite B
Napa, CA 94559

Re: Application and Request for Outside Water Service at 1087 La Grande Avenue,
Napa, CA (APN 049-061-002-000)

Dear Mr. Freeman:

The City of Napa received a request for outside water service to 1087 La Grande Avenue in Napa, CA to address an emergency situation and threat to the health of the residents.

The property owners provided water quality data from the existing well on the property that shows the level of arsenic in the water is 0.49mg/L. The United States Environmental Protection Agency (US EPA) sets the safe drinking water maximum contaminant level (MCL) for arsenic at 0.10mg/L.

On March 19, 2019 the Napa City Council approved the extension of outside-City water service to APN (APN 049-061-002-000) at 1087 La Grande Avenue and directed staff to execute a Declaration of Covenants and Agreement regarding water service and submit the attached application to LAFCO to consider authorizing the extension of water service to this property to address the existing or impending threat to public health and safety.

If you have any questions, please contact Joy Eldredge at 707-257-9319.

Sincerely,


Philip Brun Jr., P.E.
Utilities Director, Utilities Department

Enclosures: Application for Outside Water Service
Resolution of the Napa City Council authorizing the Outside Water Service

Cc (via email): Michael Barrett, Napa City Attorney
Joy Eldredge, Deputy Utilities Director
Kathleen Tebbs

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 6-inch water main on La Grande Avenue that serves
a number of residential parcels in this area. The service to 1087 La Grande
will be tapped off of the 6-inch main, the meter will be set near the existing
bank of 5 meters and the service line extended down the driveway to the
existing residence.

- 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.

The anticipated usage is estimated at 0.3 to 0.5 acre feet (98,000 - 163,000
gallons) per year for a typical single family residence.

- 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?

The City of Napa water system has sufficient flow and capacity to provide
residential uses to this property without adversely affecting existing customers.

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

The existing parcel uses a domestic well with extensive on-site treatment.

On-site septic system.

E. Additional Information

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

The property is zoned RC Residential Country and allows one single-family dwelling per lot.

- 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.

The parcel has one single family residence. There is also an existing legal guest cottage and shed on the property.

- 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.

This request is based on an emergency need to address a threat to the health of the existing residents. The water from the existing well contains 0.49 mg/L

arsenic while the EPA recommended contaminant level (MCL) for arsenic is 0.10 mg/L.

RESOLUTION R2019-021

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE UTILITIES DIRECTOR TO EXECUTE A DECLARATION OF COVENANTS AND AGREEMENT REGARDING WATER SERVICE TO 1087 LA GRANDE AVENUE IN NAPA (APN 049-061-002-000), AND DETERMINE THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, the Utilities Department has received an "Application" for water service at 1087 La Grande Avenue in Napa County (APN 049-061-002-000) to serve the residence on the property for the purposes of domestic use to address an existing threat to the health and safety of the residents; and

WHEREAS, City Charter Section 180 prohibits extension of water service outside City limits and the City Rural Urban Limit Line (RUL) unless the extension is approved by a four-fifths (4/5) vote of the City Council (or under limited exceptions not applicable to this Application); and

WHEREAS, the property which is the subject of this Application, at 1087 La Grande Avenue in Napa County (APN 049-061-002-000), is outside the RUL and requires four-fifths (4/5) vote of approval by City Council to be granted service; and

WHEREAS, under State LAFCO law (the Cortese-Knox-Hertzberg Local Government Reorganization Act), particularly California Government Code Section 56133, the Local Agency Formation Commission of Napa County ("LAFCO") is generally required to review and approve any proposed new or extended water service outside the City limits (subject to exceptions to this general rule that are not applicable to this Application); and

WHEREAS, pursuant to Government Code Section 56133, LAFCO is authorized to approve an extension of City water service to property outside the City limits and outside the City's Sphere of Influence if the water service is to respond to an existing or impending threat to the public health or safety of the residents of the affected property; and

WHEREAS, the applicant requested the City to allow use of the City water service to protect the health and safety of the residents; and

WHEREAS, City staff has evaluated the Application and concluded that the potential demand of the water service will have no adverse effect on water supply availability; and

WHEREAS, City staff has evaluated the Application and concluded that the City has sufficient treatment, storage, and conveyance capacity to accommodate the requested service; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby determines that the potential environmental effects of the actions authorized by this resolution fall within the scope of the Environmental Impact Report for the City of Napa General Plan (State Clearinghouse #95-03-3060), pursuant to CEQA Guidelines Section 15168. Additionally, the City Council hereby determines that the actions authorized by this resolution are exempt from CEQA pursuant to CEQA Guidelines Section 15302(c), Replacement or Reconstruction, which exempts replacement and reconstruction of existing utility systems involving no expansion of capacity.

3. The City Council hereby authorizes by at least 4/5 vote of the City Council, extension of outside-City water service to APN (APN 049-061-002-000) at 1087 La Grande Avenue in Napa County to address an existing or impending threat to public health or safety to the existing residents of the property, subject to: (a) execution of a Declaration of Covenants and Agreement Regarding Water Service in a form satisfactory to the Utilities Director, and approved as to form by the City Attorney; and (b) authorization from LAFCO to extend the water service to respond to an existing or impending threat to public health or safety.

4. The City Council hereby authorizes the Utilities Director to execute a Declaration of Covenants and Agreement Regarding Water Service to 1087 La Grande Avenue in Napa County (APN 049-061-002-000,) and to submit an application to LAFCO to authorize the extension of water service in accordance with this Resolution.

5. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 19th day of March, 2019, by the following vote:

AYES: Gentry, Alessio, Lueros, Sedgley, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: Carthin Saldanña for
Tiffany Carranza
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney



A Tradition of Stewardship
A Commitment to Service

October 3, 2018

Brendon Freeman
LAFCO
1030 Seminary Street, Suite B
Napa, CA 94559

Dear Brendon,

Water sample test results have been received from a water supply serving a single-family dwelling at 1087 La Grande outside of the Napa city limits. Sample results indicate high levels of Arsenic above both the maximum contaminant level (MCL) established by the State of California and public health goal (PHG) established by the Office of Environmental Health Hazard Assessment. The sample result indicates 0.49 mg/l of Arsenic in the water supply. The established MCL is 0.010 mg/l and the PHG is 0.000004 mg/l.

It is our understanding a water line conveying the City of Napa water supply exists in close proximity to this parcel of land. Based upon the high level of Arsenic in the water supply the applicant should be permitted to connect to the City of Napa water system as soon as possible. If LAFCO grants approval of the connection and the applicant is able to connect to City water, the existing well shall be destroyed under permit issued by this Department.

Please contact me with any questions regarding this matter at 707-251-1075 or by email at Kim.Withrow@countyofnapa.org.

Regards,

A handwritten signature in cursive script that reads "Kim Withrow".

Kim Withrow

Environmental Health Supervisor



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Outside Service Agreements

(Adopted: November 3, 2008; Last Amended: February 5, 2018)

I. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 includes provisions requiring cities, towns, 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 pursuant to Government Code (G.C.) Sections 56133, 56133.5, and 56134.

The Commission may authorize a city, town, or special district to provide new or extended service outside its jurisdictional boundary, but within its sphere of influence, in anticipation of a subsequent change of organization, such as an annexation. The Commission may also authorize a city, town, or special district to provide new or extended service outside its jurisdictional boundary *and* sphere of influence (a) to address an existing or impending threat to public health or safety or (b) if the Commission makes the determinations set forth in Section V(A)(4) of this policy at a noticed public hearing.

II. PURPOSE

The purpose of these policies is to guide the Commission in reviewing city, town, 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, towns, and special districts outside their jurisdictional boundaries is logical and consistent with supporting orderly growth and development in Napa County, and to prevent the circumvention of the LAFCO process by providing services by contract instead of through the annexation of territory. The Commission recognizes the importance of considering local conditions and circumstances in implementing these policies.

From LAFCO's perspective, an Outside Service Agreement can:

- 1) Protect the public from threats to health and safety.
- 2) Impose restrictions that limit development to existing intensities.
- 3) Permit a city or town to plan for future development in an orderly manner through the use of traditional zoning or specific plans.
- 4) Discourage premature development of fringe properties.

IV. DEFINITIONS

The Commission shall incorporate the following definitions in administering this policy:

- A. “Services” shall mean any municipal service provided by a city, town, or special district unless otherwise exempted under G.C. Section 56133.
- B. “New” shall mean the extension of a service to previously unserved non-jurisdictional land.
- C. “Extended” shall mean the intensification of existing services.
- D. “Outside Service Agreement” shall mean an agreement contemplated by G.C. Sections 56133, 56133.5, or 56134.

V. LOCAL CONSIDERATIONS

A. Consideration of New or Extended Services Outside a Jurisdictional Boundary and Outside the Sphere of Influence (G.C. Sections 56133(c) or 56133.5)

When considering any proposed Outside Service Agreement pursuant to G.C. Section 56133(c) or the Pilot Program under G.C. Section 56133.5, the Commission will consider the following, which will be addressed in the Executive Officer’s written report:

- 1) The ability of the applicant to extend the subject service to the affected territory.
- 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 territory.
- 4) The documentation presented pursuant to G.C. Section 56133(c)(1), which must provide substantial evidence to support a finding by the Commission of an impending threat to the health or safety of the public or the residents of the affected territory.
- 5) The application’s potential impacts on prime agricultural or open space lands.
- 6) The application’s consistency with the Commission’s adopted municipal service review determinations and recommendations.
- 7) The application’s potential impacts with respect to supporting affordable or farmworker housing.

B. Consideration of New or Extended Services Outside the Jurisdictional Boundary but within the Sphere of Influence in Anticipation of a Later Change of Organization (G.C. Section 56133(b))

Annexations to cities, towns, and special districts involving territory located within the affected agency's sphere of influence are preferred to Outside Service Agreements. The Commission recognizes, however, that there may be instances when Outside Service Agreements involving territory within the affected agency's sphere of influence are appropriate given unique local circumstances.

When submitting an application under G.C. Section 56133(b), the city, town, or district must state with specificity the nature and timing of the anticipated later change of organization for the area affected by the potential Outside Service Agreement.

C. Environmental Review

The review of a proposed Outside Service Agreement will be subject to the review procedures defined in the California Environmental Quality Act (CEQA) and the Napa LAFCO CEQA Guidelines. Napa LAFCO will act as the Lead Agency under CEQA for its environmental review of any Outside Service Agreement request.

If an environmental assessment/analysis was prepared for the project associated with the service extension request (i.e. the County or agency's environmental analysis for a project) and LAFCO was afforded the opportunity to evaluate and comment during the Lead Agency's environmental review process, then LAFCO can act as a Responsible Agency under CEQA for its environmental review of an Outside Service Agreement.

A complete set of the adopted environmental documents prepared for the project, a copy of the filed Notice of Determination/Notice of Exemption, and a copy of the Department of Fish and Wildlife fee receipt must be submitted as part of the application. Completion of the CEQA review process will be required prior to action by the Executive Officer or the Commission.

VI. FORM OF REQUEST

The Commission encourages cities, towns, and special districts to coordinate with the Executive Officer prior to filing a request under G.C. Sections 56133 or 56134 in order to determine if the Pilot Program under G.C. Section 56133.5 or the exemptions under G.C. Section 56133(e) may apply.

Requests to authorize an Outside Service Agreement shall be filed with the Executive Officer by the affected city, town, or special district. Requests shall be made by resolution of application with a cover letter accompanying a completed application using the form provided in Attachment A. Requests shall identify any assurances that the Outside Service Agreement would not induce growth or result in the premature conversion of agricultural or open space lands to an urban use.

Requests shall include a check in the amount prescribed under the Commission's adopted fee schedule along with a copy of the proposed Outside Service Agreement. The application shall be signed by an authorized representative of the city, town, or special district.

VII. 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.

VIII. CONSIDERATION OF REQUEST

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation.

In the case of a request involving an existing or impending public health or safety emergency, the Executive Officer will consult with the Chair regarding the request. If the Chair agrees that the request should be granted, then the Executive Officer may approve the request. The Commission shall ratify the approval at the next scheduled meeting. If the Chair does not agree, then the request will be presented at the Commission's next meeting.

For requests not involving an existing or impending public health or safety threat, 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 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 Commission may approve, approve with conditions, or deny the request for an Outside Service Agreement. The Commission's determination and any required findings will be set out in a resolution that specifies the property or area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.

If the request is approved, the Commission's approval shall expire within one year from approval unless a contract has been executed and the construction of any needed infrastructure improvements has commenced. A one-time extension may be requested by the applicant for a period of time that is necessary to complete the Commission's conditions. Time extension requests shall include a check in the amount prescribed under the Commission's adopted fee schedule.



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

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

April 30, 2019

Ms. Joy Eldridge, Deputy Utilities Director
City of Napa
PO Box 660
Napa, California 94559

SUBJECT: Emergency Approval of New Outside Water Service Involving the City of Napa and 1087 La Grande Avenue (APN 049-061-002)

Ms. Eldridge:

The Local Agency Formation Commission (LAFCO) of Napa County received the City of Napa's request to approve an emergency outside water service agreement between the City and the landowner of 1087 La Grande Avenue (APN 049-061-002); an approximate 0.85-acre unincorporated property located outside the City's sphere of influence.

As noted in the attached application materials, the affected territory includes a single-family residence currently dependent on a domestic well with extensive on-site treatment, as well as a legal guest cottage and shed. Water quality data provided by the landowner confirms the domestic well shows the level of arsenic in the water is 0.49mg/L. The United States Environmental Protection Agency (US EPA) sets the safe drinking water maximum contaminant level (MCL) for arsenic at 0.10mg/L, which is consistent with the State of California and public health goal (PHG) established by the Office of Environmental Health Hazard Assessment.

The County of Napa's Environmental Health Division confirmed the water quality data and recommends connection to Napa's public water system as soon as possible (confirmation attached). The landowner has pursued several alternative water treatment options involving the groundwater supply and none of the alternatives have proven to be feasible. These factors provide assurances there is an existing threat to public health requiring immediate action.

Upon consideration of the preceding factors, and as authorized under LAFCO's *Policy on Outside Service Agreements*, I have consulted with LAFCO's Chair regarding the City's request. LAFCO's Chair agreed the City's request should be granted. With this in mind, I hereby conditionally authorize the City of Napa to enter into an outside service agreement with the landowner of 1087 La Grande Avenue in response to the referenced threat to public health. This authorization is conditioned upon the receipt of an application fee in the amount of \$2,952 to cover staff and materials associated with processing the outside water service request. I will contact you once the referenced condition has been satisfied.

Margie Mohler, Chair
Councilmember, Town of Yountville

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

Gregory Rodeno, Commissioner
Representative of the General Public

Scott Sedgley, Commissioner
Councilmember, City of Napa

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Erik Lawrence, Alternate Commissioner
Representative of the General Public

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brendon Freeman
Executive Officer

Emergency Approval of New Outside Water Service Involving the City of Napa and 1087 La Grande Avenue

April 30, 2019

Page 2 of 2

Please note this conditional authorization is specific to only serving existing structures at 1087 La Grande Avenue; any new development or related land use intensification would require separate LAFCO authorization. If you have any questions, please do not hesitate to contact me at (707) 259-8645 or by e-mail at bfreeman@napa.lafco.ca.gov.

Sincerely,

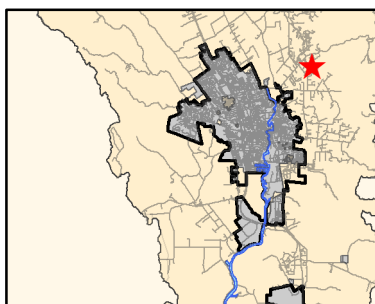


Brendon Freeman
Executive Officer

Attachments: as stated

cc: LAFCO Commissioners
Kim Withrow, County of Napa
Phil Brun, City of Napa
Kathleen Tebb, Landowner

1087 La Grande Avenue (APN 049-061-002)



0 0.0075 0.015 0.03 Miles

June 3, 2019
Prepared by BF



LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
www.napa.lafco.ca.gov