



## AGENDA ITEM 7A

**MEETING:** March 18, 2020  
**TO:** Humboldt LAFCo Commissioners  
**FROM:** Colette Metz Santsche, Executive Officer  
**SUBJECT:** **Proposed Out of Agency Service Extension to 5717 Rohnerville Road**  
The Commission will consider a request submitted by the City of Fortuna for extension of water service to a 2.5-acre parcel located at 5717 Rohnerville Road (APN 203-171-032) near the existing City boundary. The City has provided written consent from the affected landowner.

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Section 56133 of the California Government Code requires cities and special districts to request and receive written approval from LAFCo before entering into agreements to provide new or extended services outside their jurisdictional boundaries. The Commission may authorize a city to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence "in anticipation of a later change of organization". It is Humboldt LAFCo's policy that the inclusion of an area to be served within the sphere of influence of the subject agency shall be sufficient to comply with this provision.

### A. BACKGROUND

LAFCo has received an application filed by the City of Fortuna for the extension of water services to 5717 Rohnerville Road (APN 203-171-032) which is located outside of the City's boundary but within its sphere of influence. The 2.5-acre parcel has an existing three-bedroom house and is not proposed for further development. There is an existing City water main along Fox Hill Road approximately 750 feet from the property and there is an existing easement along the northern property line.

This request is being made due to the documented failure of an onsite well. A licensed well driller tested the well and determined that it produces approximately ¼ gallon of water per hour and that further exploration is unlikely to produce higher levels. The quantity of water supply is less than the Humboldt County standard of ½ gallon per minute for single-family residences and therefore meets Humboldt LAFCo's public health and safety criteria when considering out of agency service requests.

### B. DISCUSSION

An existing three-bedroom dwelling unit is located on the subject parcel. Similar residential uses are located along Rohnerville Road. The parcel is currently designated as Residential Estates with Airport Land Use Compatibility Zone overlay under the Fortuna Area Community Plan portion of the Humboldt County General Plan and is

zoned "Agricultural General". The planned density for the for the area is one residence for every 2.5 to 5 acres.

The Fortuna General Plan 2030 designated the area as Residential Rural and includes the following policies regarding the extension of services.

PFS-1.9 City Service Extensions to Annexation Areas. Upon LAFCo approval, City water, wastewater conveyance and treatment, storm drainage and police service shall be extended to the Riverwalk, Strongs Creek, Carson Woods, and Rohnerville annexation areas. The City shall not approve new development in these areas until services are available.

*LAFCo Staff Comment:* [The subject parcel is adjacent to the City's planned Rohnerville Annexation area that includes the Rohnerville Airport. While not included in the City's planned annexation area, this area is within the City's SOI and currently receives water services. Since the majority of parcels in this area are currently served by the city via a 6" water line that extends from Rohnerville Road to Fox Hill Lane, annexation should be considered by the city independent of the larger Rohnerville Annexation project.]

PFS-3.1 Water Main Extensions. The City will comply with State law regarding extension of water utilities beyond the City's boundaries.

*LAFCo Staff Comment:* State law requires approval by LAFCo before an extension of service can be made (Section 56133(a)). The City of Fortuna has submitted a written request to LAFCo in accordance with this law.

With regard to the provision of water service, the subject property is located in close proximity to an existing city water line. The 6" water line runs along Fox Hill Road and serves at least 11 properties in the area. There is an existing private utility easement that extends from Fox Hill Road along the northern boundary of APNs 203-171-041, 203-171-031, and 203-171-032 (subject parcel).

Water service to the subject property is currently provided by an onsite well. Rich Well Drilling & Pump Service, Inc. test pumped the well and determined that it produces less than ¼ gallon per hour. It was also stated that attempting to rehabilitate or deepen the well could cause damage to the existing casing which could lessen the flow and/or damage drilling equipment. Exploration for a new well site would be costly and is not guaranteed to produce higher flows. For these reasons, Rich Well Drilling recommended connection to City water service.

## **C. ANALYSIS**

The Commission has a locally-adopted policy and procedural guidelines by which the Commission considers requests for the extension of services pursuant to Government Code Section 56133. The Commission recognizes the importance of considering local conditions and circumstances when implementing these policies. Several components are especially relevant to this application:

### **Criteria for Authorizations for Outside Service Area Requests**

The Commission's policy clarifies that the Commission and the Executive Officer shall limit its outside service area authorizations to circumstances where:

A. Sufficient service capacity exists.

Staff Analysis: The adopted 2008 Municipal Service Review for the City of Fortuna stated that the City had 4,331 service connections and was utilizing approximately 75% of its water rights capacity. As such, the City could provide 1,489 additional connections before needing to apply for additional water rights. According to the 2018 Consumer Confidence Report for the City, there were 4,467 connections which allows for an additional 1,353 connections to be made. This indicates that the City has sufficient water supply to provide service to the subject parcel. Additionally, according to the City, the water main along Fox Hill Road is 6" which provides sufficient capacity to meet the current demands of the area and its potential buildout.

B. Annexation would not be practicable.

Staff Analysis: Annexations involving territory located within the affected City's sphere of influence are generally preferred to out of agency service agreements. The Commission recognizes, however, there may be instances when out of agency service agreements are appropriate given local circumstances or conditions.

In the case of this request, while several parcels within the surrounding area are provided water by the City of Fortuna, the City has indicated that annexation of the area is not currently feasible due to the high cost of upgrading roads and associated infrastructure in the area. Additionally, there is an immediate need for service due to a health and safety concern for the property. Annexation of the area would further delay the supply of adequate water to the subject property.

Considering there is a health and safety issue due to a documented failing well and considering the service extension would not create substantial growth or affect open space and agricultural lands, LAFCo staff has included a recommended condition that would limit the extension of water services to one (1) single-family residence permitted on the subject parcel, and not to any other properties.

C. The outside service area request is determined by the Commission to be consistent with the policies adopted in and pursuant to the Cortese-Knox-Hertzberg Act.

Staff Analysis: There are no additional requirements for consideration under Government Code Section 56133 that should be considered by the Commission.

### **Agency Comments**

Staff received one comment letter in response to the Notice of Filing sent out on February 28, 2020. The Humboldt County Division of Environmental Health provided support for the extension of service and a reminder that once service is established the

existing well will be considered abandoned and must be properly destroyed. A condition of approval is included that addresses the existing well.

### ***Environmental Review***

All matters that involve discretionary action are subject to the applicable provisions of the California Environmental Quality Act (CEQA). The City of Fortuna has provided a Notice of Exemption to the Office of Planning and Research and the Humboldt County Clerk. The NOE states that the project is categorically exempt from CEQA under Section 15303 (Class 3) which "consists of construction and location of limited numbers of new, small facilities or structures..." Examples of this exemption include, but are not limited to: (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction."

### **D. RECOMMENDATION**

Staff recommends the Commission approve the extension of water services outside the City's boundary to APN 203-171-032, as submitted by the City (see Option 1 below). It is recommended that the approval include the following standard conditions:

- o The City of Fortuna and property owner(s) of the subject parcel shall enter into a recorded Covenant and Agreement Regarding Water Services to include a provision that limits the extension of services to one (1) single-family residence permitted on the subject parcel, and not to any other properties. Any expansion or intensification of water services on said property shall be considered a new request, subject to LAFCo review. This Covenant and Agreement shall automatically terminate at such time as the property is annexed to the City of Fortuna.
- o Per Humboldt County Code and the California Well Standards Bulletin 74-90, Section 21 if the well is no longer used once connection to City water has been established, it will be considered abandoned and must be properly destroyed by a licensed well driller, under permit from the Humboldt County Department of Health and Human Services, Division of Environmental Health
- o All LAFCo fees must be paid in full prior to the extension of service authorization becoming effective.

### ***Alternatives for Commission Action***

Staff has identified three options for Commission consideration with respect to the service extension request. These options are summarized below.

- o Option 1 (Recommended): Adopt the draft resolution identified as Attachment D, approving the request with the recommended conditions along with any desired changes as requested by members.
- o Option Two: Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.

- o Option Three: Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action.

### ***Procedures for Consideration***

The following procedures are recommended with respect to the Commission's consideration of this item:

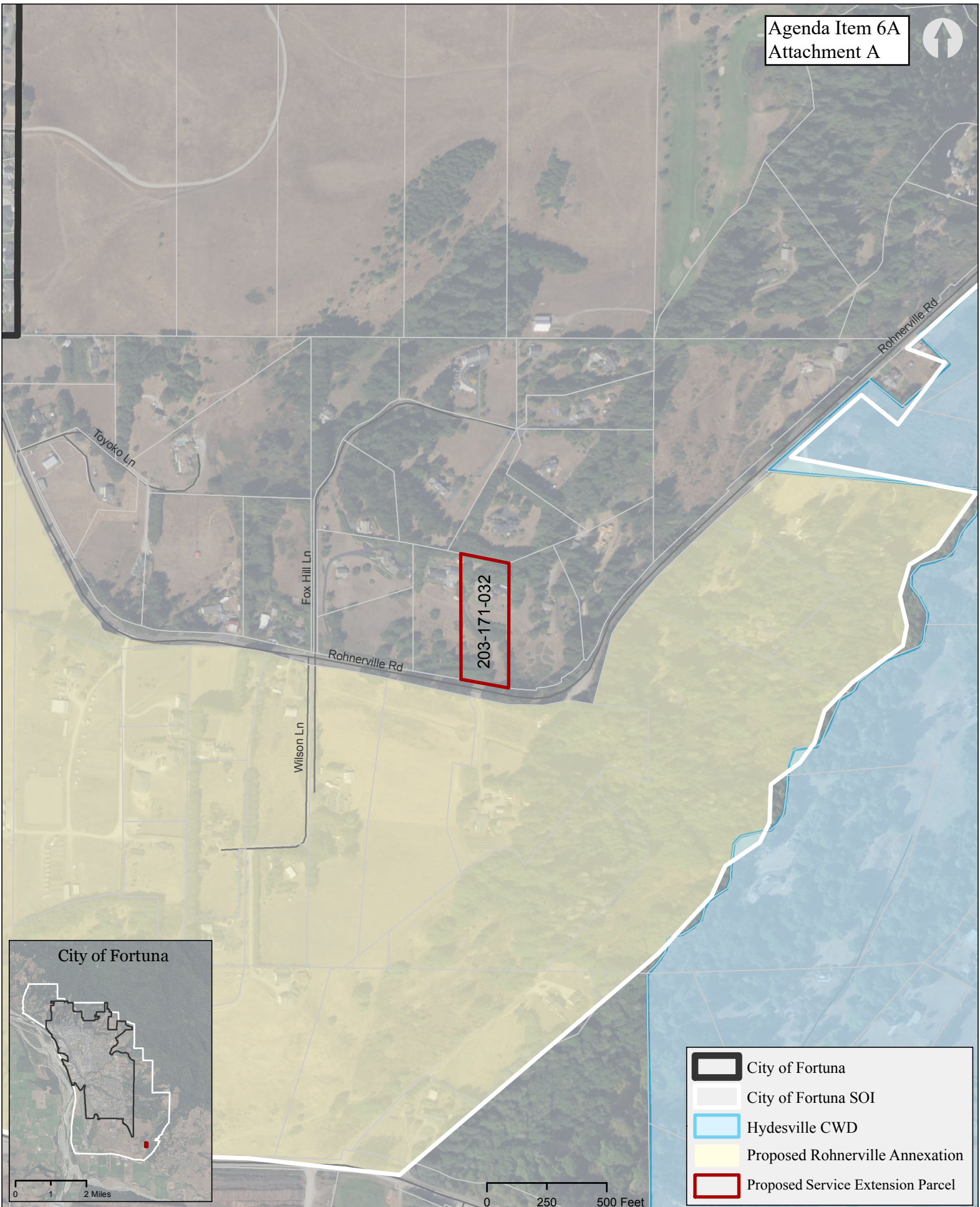
- A. Receive verbal report from staff
- B. Invite public testimony
- C. Discuss item and consider action on recommendation:

*"I move to adopt Resolution No. 20-01, authorizing the City of Fortuna to extend water services outside the City boundary to 5717 Rohnerville Road (APN 203-171-032), as described in the staff report, subject to the recommended conditions."*

### ***Attachments***

Attachment A: Rohnerville Road Out of Area Service Extension Map  
Attachment B: City Parcel Map with Current Service and Water Main  
Attachment C: DHHS Environmental Health Comment Letter  
Attachment D: Draft Resolution No. 20-01 Approving Out of Area Service Extension





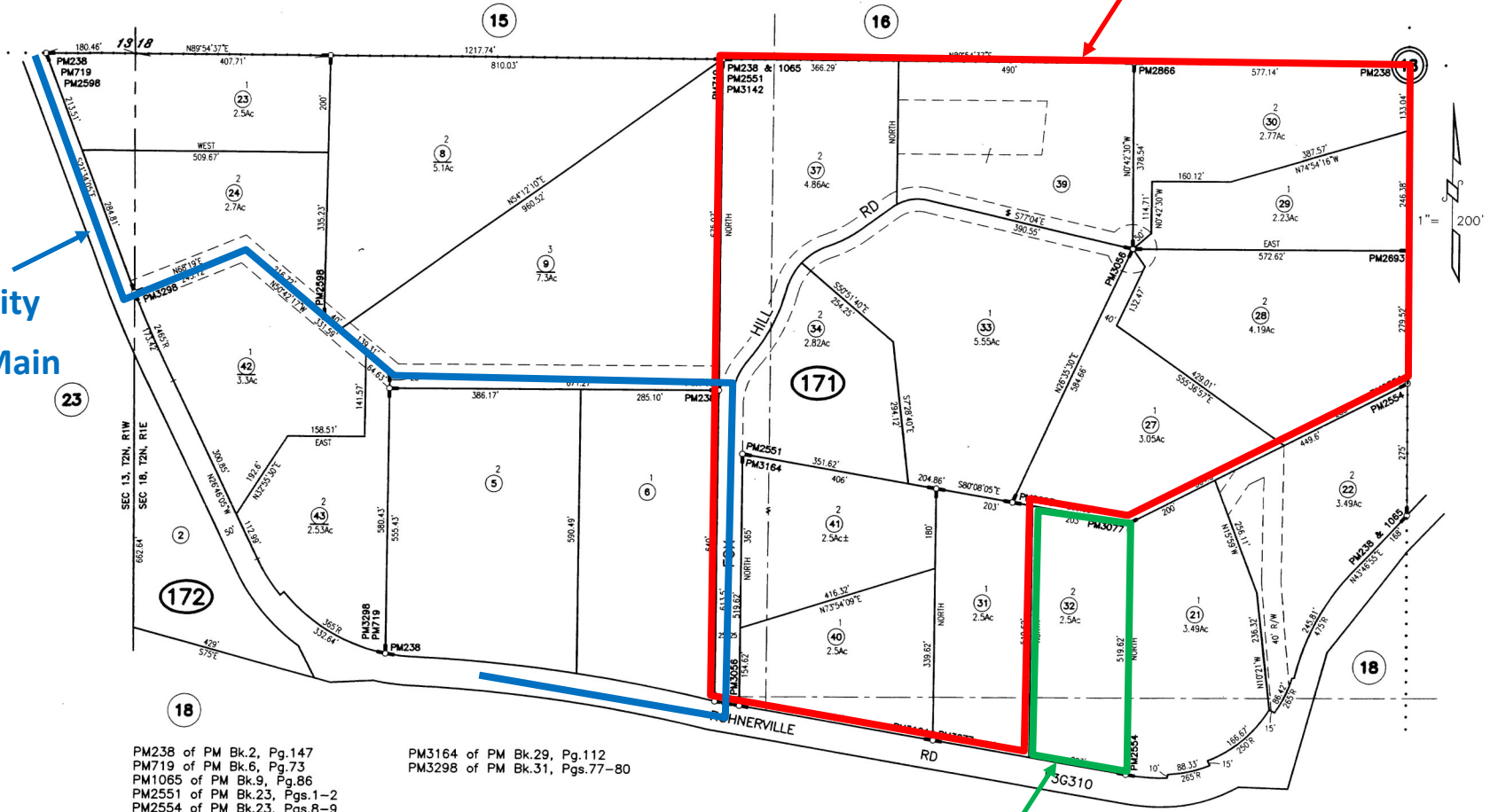
# Humboldt LAFCo Rohnerville Road Out of Area Service Extension

PTN. SEC.13, T2N, R1W & PTN. SEC.18, T2N, R1E H.B.& M.

**Municipal  
Customers**

203-17

**6-inch City  
Water Main**



**5717 Rohnerville Rd.**

PM238 of PM Bk.2, Pg.147  
PM719 of PM Bk.6, Pg.73  
PM1065 of PM Bk.9, Pg.86  
PM2551 of PM Bk.23, Pgs.1-2  
PM2554 of PM Bk.23, Pgs.8-9  
PM2598 of PM Bk.23, Pg.77  
PM2693 of PM Bk.24, Pgs.73-74  
PM2866 of PM Bk.26, Pgs.27-28  
PM3077 of PM Bk.28, Pg.100  
PM3056 of PM Bk.28, Pgs.64-65  
PM3142 of PM Bk.29, Pgs.71-72

PM3164 of PM Bk.29, Pg.112  
PM3298 of PM Bk.31, Pgs.77-80

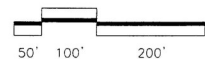
**ASSESSOR'S PARCEL MAP**

1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

Jan 30, 2002

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 203, Pg.17  
County of Humboldt, CA.



**From:** [Dolf, Benjamin](#)  
**To:** [Colette Metz](#)  
**Cc:** [Liz Shorey](#)  
**Subject:** Fortuna Water Service Extension APN 203-171-032  
**Date:** Tuesday, March 10, 2020 9:24:34 AM

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Good morning Colette,

I'm writing in response to the Notice of Filing for a water service extension by the City of Fortuna to APN 203-171-032. The Humboldt County Division of Environmental Health supports the extension of the service extension. We wanted to point out that the existing well servicing this parcel should be addressed as part of this work.

Per Humboldt County Code and the California Well Standards Bulletin 74-90, Section 21 if the well is no longer used once connection to City water has been established, it will be considered abandoned and must be properly destroyed by a licensed well driller, under permit from our office. Please let me know if you or the applicant have any questions.

Thank you,



**Benjamin W. Dolf, R.E.H.S.**

**Senior Environmental Health Specialist**

DHHS Division of Environmental Health, Land Use Program :: 100 H St. Eureka, CA 95501 :: (707) 268-2235





## RESOLUTION NO. 20-01

### **AUTHORIZING THE CITY OF FORTUNA TO PROVIDE WATER SERVICES OUTSIDE THE CITY BOUNDARY TO 5717 ROHNERVILLE ROAD (APN 203-171-032)**

WHEREAS, the Humboldt Local Agency Formation Commission (hereinafter referred to as "Commission") is responsible for authorizing cities and special districts to provide new or extended services by contract or agreement outside its jurisdictional boundaries pursuant to California Government Code Section 56133; and

WHEREAS, the Commission received an application from the City of Fortuna requesting authorization to extend water services outside its jurisdictional boundary to 5717 Rohnerville Road (APN 203-171-032); and

WHEREAS, the subject property is located within the City's adopted Sphere of Influence; and

WHEREAS, the current property owner has requested a water service connection from the City of Fortuna based on health and safety concerns due to a documented failing onsite well; and

WHEREAS, an existing 6" waterline is located along the Fox Hill Road right-of-way that serves adjacent properties and there is an existing private utility easement to the subject property; and

WHEREAS, the Commission reviewed and considered the Executive Officer's report and recommendation; and

WHEREAS, the Commission heard and fully considered all the evidence presented on the proposed services extension at a public meeting held on March 18, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission as follows:

1. The Commission, as responsible agency, concurs with the City of Fortuna's finding that the proposal is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15303(d), Class 3-New Construction or Conversion of Small Structures, which exempts the construction and location of water mains and other utility extensions of reasonable length to serve such construction.
2. The Commission has considered the factors determined to be relevant to this proposal, including, but not limited to, the sphere of influence, available infrastructure and services capacity, and other factors specified in Government Code Section 56133, and as described in the staff report.

3. The Commission hereby authorizes the City of Fortuna to provide water services outside its jurisdictional boundary to APN 203-171-032, subject to the following conditions:
  - a. The City of Fortuna and property owner(s) of the subject parcel shall enter into a recorded Covenant and Agreement Regarding Water Services to include a provision that limits the extension of services to one (1) single-family residence permitted on the subject parcel, and not to any other properties. Any expansion or intensification of water services on said property shall be considered a new request, subject to LAFCo review. This Covenant and Agreement shall automatically terminate at such time as the property is annexed to the City of Fortuna.
  - b. Per Humboldt County Code and the California Well Standards Bulletin 74-90, Section 21, if the well is no longer used once connection to City water has been established, it will be considered abandoned and must be properly destroyed by a licensed well driller, under permit from the Humboldt County Department of Health and Human Services, Division of Environmental Health.
  - c. All LAFCo fees must be paid in full prior to the extension of service authorization becoming effective.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 18<sup>th</sup> of March, 2020, by the following roll call vote:

AYES: Commissioners:  
NOES: Commissioners:  
ABSENT: Commissioners:  
ABSTAIN: Commissioners:

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Estelle Fennell, Chair  
Humboldt LAFCo

Attest:

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Colette Metz Santsche, Executive Officer  
Humboldt LAFCo