



AGENDA ITEM 6A

MEETING: March 21, 2018
TO: Humboldt LAFCo Commissioners
FROM: Colette Metz, Administrator
SUBJECT: **City of Trinidad Extension of Water Services Outside the City Boundary to 207 Quarry Road**

The Commission will consider a request submitted by the City of Trinidad to extend water services to a vacant parcel proposed to be developed with a single-family residence, located within the City's Sphere of Influence. Humboldt LAFCo policy provides that the Commission review all development-related applications, whereas the Executive Officer can administratively approve non-development related extensions for health and safety reasons.

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.

BACKGROUND

LAFCo has received an application filed by the City of Trinidad for the extension of water services to 207 Quarry Road (APN 515-341-003), which is located outside of the City's boundary but within its sphere of influence. The 0.54-acre parcel is currently vacant and a building permit is on file with Humboldt County for construction of a single-family residential structure at the subject property (App# 13270). An existing waterline is located along the Quarry Road right-of-way that fronts the subject property. Generally, residential uses along both sides of Quarry Road are currently served water by the City of Trinidad.

In a letter dated September 4, 1992, the City expressed its willingness to grant future water service to the subject property with the stipulation that the current or any future property owner would have no objection to annexation into the City limits Trinidad (see Attachment A). It is important to note that this "willingness to serve" letter was provided prior to the enactment of Government Code Section 56133 in 2001. Since the connection was never made, Commission approval is required in accordance with State law.

DISCUSSION

The subject property is designated Residential Estates (RE) in the Trinidad Area Plan (Volume II of the Humboldt County General Plan) and is zoned Residential Single Family (RS-SM1/G) with a SM1-Manufactured Home Special combining zone and a G-Alquist-Priolo Fault Hazard combining zone. The planned density for RE-designated land along the east side of Quarry Road to the City limits is 0-2 units/acre with serviced water or 1 unit/2 acres until serviced water is available.

With regard to the provision of water service, the subject property is located within the City's mapped Urban Limit Line as designated in the Trinidad Area Plan (see [Figure 1](#)). The establishment of this line is based on findings that lands included within the Urban Limit are generally suitable for urban development at a density greater than one unit per acre. Specifically, Subsection 3.11 B 2 of the Trinidad Area Plan includes policies for development within the Urban Limit Line, as provided below:

3.11 B 2 General Development Policies Within the Urban Limit:

The development of lands within the Urban Limit for the uses indicated in the Area Plan Map...are contingent on the ability of the area to accommodate the development of that density. More specifically, no lands within the Urban Limit shall be developed or divided as allowed by the Area Plan, unless the following findings are made in addition to any other findings required by this chapter:

- 1) That water supply and adequate provision for sewage disposal, as required by the use of the density permitted in the Area Plan, is available to the development or division;

[The City has provided documentation of its available water system capacity for which it asserts that the City is utilizing less than half of their current capacity, as calculated for extreme drought conditions. No sewer services are proposed.]

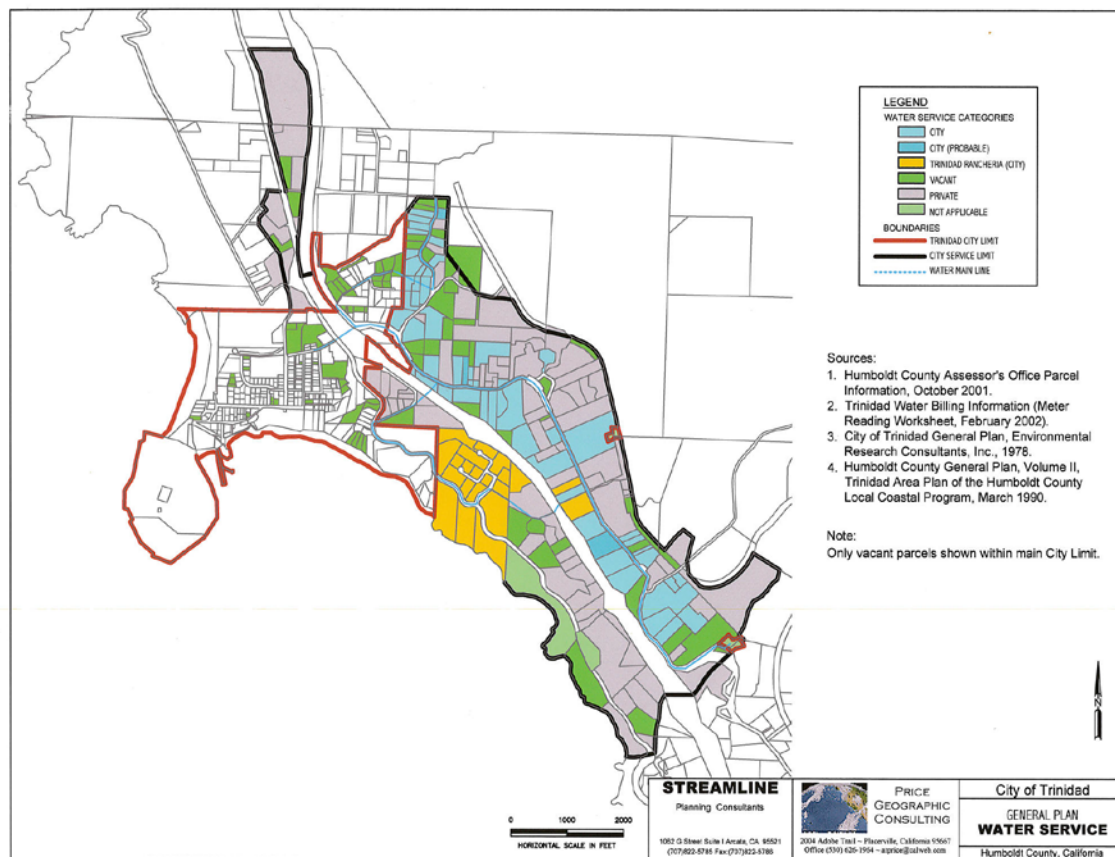
- 2) That the carrying capacity of major roads and of coastal access corridors is sufficient for all permitted uses, or that improvements to an adequate level can be provided at a cost affordable within the reasonable expectation of the County, of an incorporated city where the Urban Limit surrounds the city.

[An existing waterline is located along the Quarry Road right-of-way that fronts the subject property. No roadway improvements would be required for the proposed single-family residential use.]

- 3) That the proposed development or division meets all standards for the use designated in the Area Plan, as set forth in Chapter 4 of this document.

[Chapter 4 of the Trinidad Area Plan relates to urban and rural land use designations. The proposed single-family residential use is identified as a principal use in the Residential Estates (RE) land use designation.]

Figure 2: Trinidad Area Plan Figure (Map 4)



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 City has provided documentation of its water system capacity for which it asserts that the City is utilizing less than half of their current capacity, as calculated for extreme drought conditions (GHD, 2017 Memo). Available capacity is determined by subtracting peak day demand (123,100 gpd) from the current treatment system capacity (252,000 gpd) resulting in 128,900 gpd of available water system capacity. In addition, the City operates two 150,000-gallon storage tanks, for a total of 300,000 gallons of storage capacity. Therefore, the City has sufficient service capacity to provide potable water to the subject property.

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, an existing waterline is located along the Quarry Road right-of-way that fronts the subject property. Generally, residential uses along both sides of Quarry Road are currently served water by the City of Trinidad. No sewer services are currently provided. As such, the City is supportive of providing water service to the subject property but has determined that annexation and extension of other city services is not a viable option at this time.

Considering the service extension has been requested for development of a single-family residence consistent with the planned use of the subject parcel, 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

Upon receipt of the City's application, LAFCo staff provided a referral to the County and other interested agencies (see Attachment B). Humboldt County Planning and Building provided the following comments via email on March 15, 2018:

County Planning and Building Comments - City of Trinidad Out of Agency water extension to APN 515-341-003:

This parcel is planned Residential Estates in the Trinidad Area Plan and, pursuant to Area Plan Section 3.11.A (Urban Limit) and Map 4, is located within the Urban Limit Line. Section 3.11.B.2(c) specifies that development of lands within the Urban Limit for the uses indicated in the Area Plan Map are contingent on the ability of the area to accommodate the development of that density. According to Section 3.12, Public Works, a serviceable area exists within the Urban Limit Line that includes all parcels within 300 feet by the shortest feasible route of an existing service line with capacity to serve the permitted development of said parcels as indicated in the Area Plan. The referral states that a water line is located within the road adjacent to the parcel. Allocation of water service within the service limit is at the discretion of the City of Trinidad.

Planning and Building Department staff have reviewed this proposal and have determined that extension of water service would be consistent with applicable

policies of the Trinidad Area Plan and recommend that applicant be advised that a Coastal Development Permit from the County would be required to extend water service to the parcel.

Environmental Review

All matters that involve discretionary action are subject to the applicable provisions of the California Environmental Quality Act (CEQA). If there has been no environmental determination made by the applying agency, LAFCo will serve as the Lead Agency. In this capacity, LAFCo has determined the proposed service extension is a project under CEQA, but qualifies for a categorical exemption from further review pursuant to CEQA Guidelines Section 15301, Class 1–Existing Facilities, and 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.

RECOMMENDATION

Staff recommends the Commission approve the extension of water services outside the City's boundary to APN 515-341-003, as submitted by the City (Option 1). It is recommended that the approval include the following standard conditions:

- o The City of Trinidad 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 Trinidad.
- o A Coastal Development Permit from the County will be required to extend water service to the subject parcel.
- 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 C, 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. 18-03, authorizing the City of Trinidad to extend water services outside the City boundary to 207 Quarry Road (APN 515-341-003), as described in the staff report, subject to the recommended conditions."

Attachments:

Attachment A: 1992 Letter from City of Trinidad to property owner
Attachment B: LAFCo Notice of Filing (referral)
Attachment C: Resolution No. 18-03

Cc: Dan Berman, City of Trinidad City Manager
Gabe Adams, City of Trinidad Clerk

City of Trinidad

P.O. Box 390
Trinidad, California 95570
(707) 677 - 0223

September 4, 1992

Ms. Pat Thissell
Administrator
Kenneth Lewis Estate
1789 Anderson Avenue
McKinleyville, California 95521

SUBJECT: AP# 515-341-03

FYI

Dear Ms. Lewis;

This letter will serve as confirmation that water service will be available at AP#515-341-03, address 207 Quarry Road, Trinidad, California 95570.

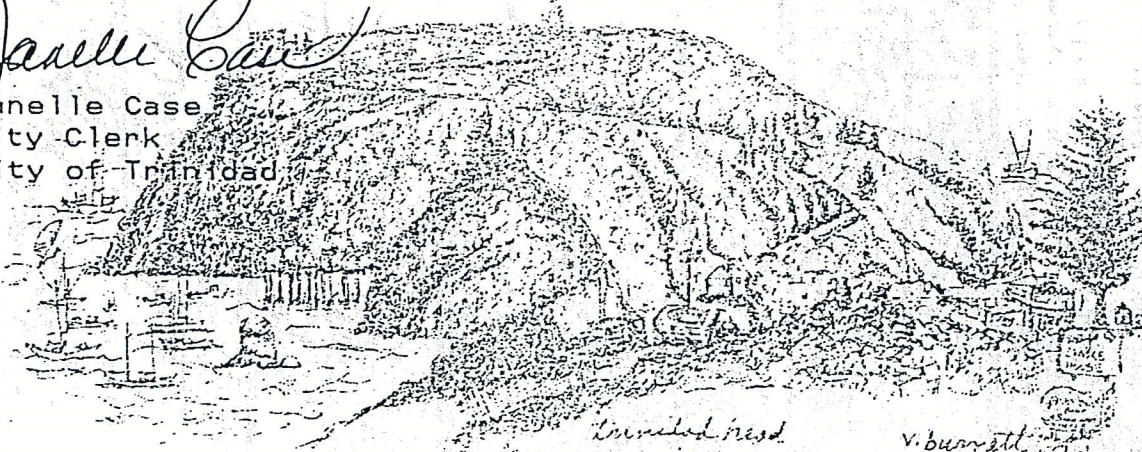
The City of Trinidad does have a stipulation that to obtain a confirmation of future water service on this property that if at any time in the future the property owners at this time or any future property holders would have no objection to annexation into the City limits of Trinidad, California.

With this understanding in mind, the City of Trinidad will be able to grant your request of a future water service.

If you require any further information, please do not hesitate to call me.

Sincerely,

Janelle Case
Janelle Case
City Clerk
City of Trinidad



Limited Press

V. Burnett

NOTICE OF FILING

Date: January 30, 2018

To: Humboldt County Administrative Office
Humboldt County Planning and Building
Humboldt County Public Works
Humboldt County Environmental Health
California Coastal Commission
CAL FIRE Trinidad Station
Westhaven VFD

Cc: Dan Berman, Trinidad City Manager
Gabe Adams, Trinidad City Clerk
Tia Anderson, Property Owner

From: Colette Metz, LAFCo Administrator

SUBJECT: APPLICATION RECEIVED – City of Trinidad Out of Agency Water Service Extension to 270 Quarry Road

APPLICATION INFORMATION

Project: City of Trinidad Out of Agency Water Service Extension

Location: 207 Quarry Road, Trinidad

APN: 515-341-003

Notice: The above referenced application has been submitted to LAFCo in accordance with Government Code Section 56133. **We request agency comments on the proposed service extension by February 19, 2018.**

Pursuant to Government Code Section 56133, LAFCo has received an application filed by the City of Trinidad for the extension of water services to 207 Quarry Road (APN 515-341-003), which is located outside of the City's boundary but within its sphere of influence. The parcel is currently vacant and a building permit is on file with Humboldt County for construction of a single-family residential structure at the subject property (App# 13270).

Government Code Section 56133 authorizes a city to provide new or extended services by contract or agreement outside its jurisdictional boundaries if the city requests and receives approval from the Commission. 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 serving agency shall be sufficient to comply with this provision.

With regard to land use, the subject property is 0.54 acres in size, is designated Residential Estates (RE) in the Trinidad Area Plan (Volume II of the Humboldt County General Plan), and is zoned Residential Single Family (RS-SM1/G) with a SM1-Manufactured Home Special combining zone and a G-Alquist-Priolo Fault Hazard combining zone. The planned density for RE-designated land along the east side of Quarry Road to the City limits is 0-2 units/acre with serviced water or 1 unit/2 acres until serviced water is available.

With regard to the provision of water service, the subject property is located within the City's mapped Urban Limit Line as designated in the Trinidad Area Plan (see Figure 1). The establishment of this line is based on findings that lands included within the Urban Limit are generally suitable for urban development at a density greater than one unit per acre. Specifically, Subsection 3.11 B 2 of the Trinidad Area Plan includes policies for development within the Urban Limit Line, as provided below:

3.11 B 2 General Development Policies Within the Urban Limit:

The development of lands within the Urban Limit for the uses indicated in the Area Plan Map...are contingent on the ability of the area to accommodate the development of that density. More specifically, no lands within the Urban Limit shall be developed or divided as allowed by the Area Plan, unless the following findings are made in addition to any other findings required by this chapter:

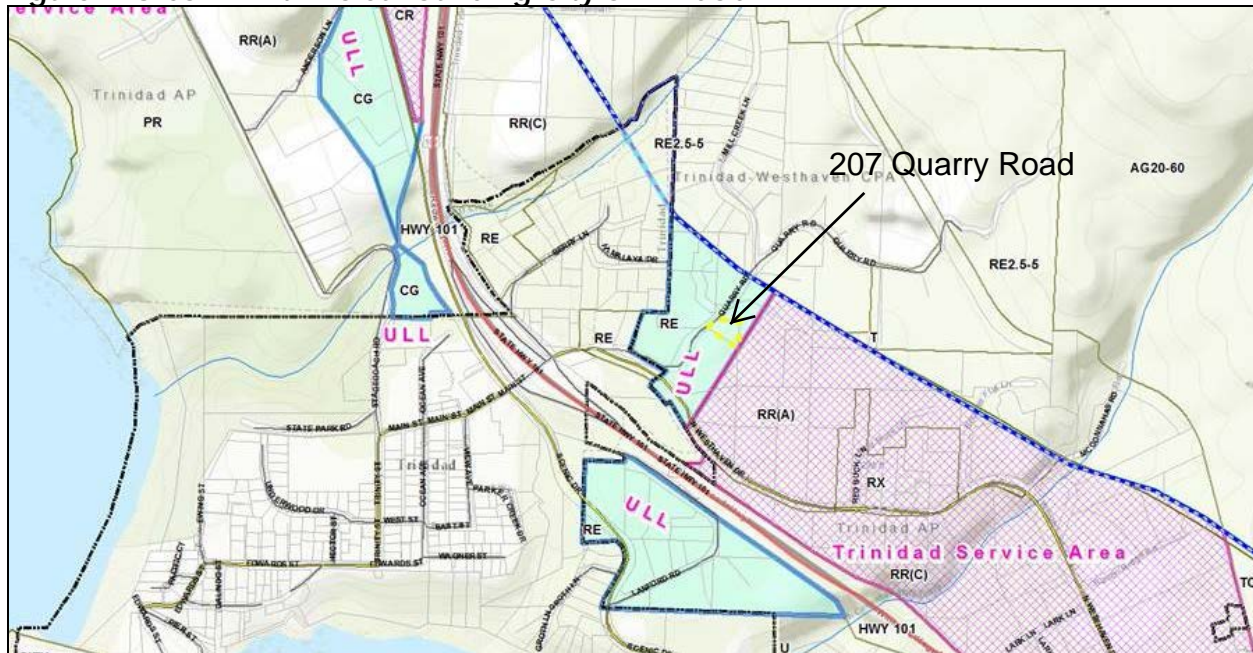
- 1) That water supply and adequate provision for sewage disposal, as required by the use of the density permitted in the Area Plan, is available to the development or division;
- 2) That the carrying capacity of major roads and of coastal access corridors is sufficient for all permitted uses, or that improvements to an adequate level can be provided at a cost affordable within the reasonable expectation of the County, of an incorporated city where the Urban Limit surrounds the city.
- 3) That the proposed development or division meets all standards for the use designated in the Area Plan, as set forth in Chapter 4 of this document.
- 4) The dedication or offer of dedication of an easement for coastal access or view shall not be considered to lower the area of a parcel on which such easement is dedicated or offered for dedication, for purposes of determining conformance with approved minimum lot sizes.

An existing waterline is located along the Quarry Road right-of-way that fronts the subject property. Generally, residential uses along both sides of Quarry Road are currently served water by the City of Trinidad. No sewer services are currently provided. The City has provided documentation of its water system capacity for which it asserts

that the City is utilizing less than half of their current capacity, as calculated for extreme drought conditions.

Please provide us with your comments by **February 19, 2018**. This request will be agendized as part of the March 21, 2018 LAFCo meeting for Commission consideration. Please contact Colette Metz at (707) 445-7508 or administrator@humboldtlafo.org with any questions.

Figure 1: Urban Limit Line Surrounding City of Trinidad



RESOLUTION NO. 18-03**AUTHORIZING THE CITY OF TRINIDAD TO PROVIDE WATER SERVICES OUTSIDE THE CITY BOUNDARY TO 207 QUARRY ROAD (APN 515-341-003)**

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 Trinidad requesting authorization to extend water services outside its jurisdictional boundary to 207 Quarry Road (APN 515-341-003); and

WHEREAS, the subject property is located within the City's adopted Sphere of Influence and within the City's mapped Urban Limit Line as designated in the Trinidad Area Plan; and

WHEREAS, the current property owner has requested a water service connection from the City of Trinidad to facilitate the development of a single-family residential structure at the subject property; and

WHEREAS, an existing waterline is located along the Quarry Road right-of-way that fronts 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 21, 2018.

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

1. The Commission, as lead agency, finds that the proposal is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1–Existing Facilities, and 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, urban limit line, 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 Trinidad to provide water services outside its jurisdictional boundary to APN 515-341-003, subject to the following conditions:
 - a. The City of Trinidad 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 Trinidad.
 - b. A Coastal Development Permit from the County will be required to extend water service to the subject parcel.
 - 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 21st of March, 2018, by the following roll call vote:

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

Estelle Fennell, Chair
Humboldt LAFCo

Attest:

George Williamson, Executive Officer
Humboldt LAFCo