

RESOLUTION NO. 2017-07

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

**APPROVAL OF AN OUTSIDE SEWER SERVICE AGREEMENT REQUEST
NAPA SANITATION DISTRICT AND 410 STONECREST DRIVE (052-080-026)**

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 410 Stonecrest Drive in unincorporated Napa County (052-080-026), hereinafter referred to as the "request"; 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 request includes documentation provided by County of Napa Environmental Health recommending connecting 410 Stonecrest Drive to the Napa Sanitation District to address an impending threat to public health and safety given the subject lot's septic system has failed; and

WHEREAS, the Executive Officer prepared and presented a written report on the request 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 request at a public meeting held on December 4, 2017.

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 request is a project that is 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 request qualifies for this exemption given the extension of public sewer service to the subject territory addresses an impending threat to public health and safety based on evidence of a failed 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 request on the basis that approval addresses 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 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.
 - (b) Receipt of written confirmation from the Napa Sanitation District that the District's Board of Directors has approved an agreement to serve 410 Stonecrest Drive.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on December 4, 2017, by the following vote:

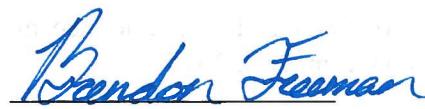
AYES: Commissioners MOHLER, DILLON, LEARY AND WAGENKNECHT

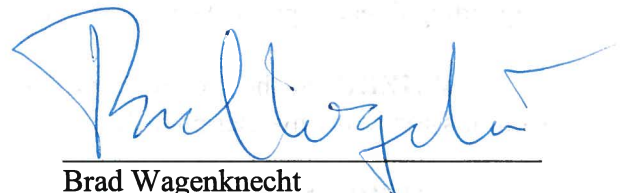
NOES: Commissioners RODENO

ABSTAIN: Commissioners NONE

ABSENT: Commissioners KELLY

ATTEST:


Brendon Freeman
Executive Officer


Brad Wagenknecht
Commission Chair

Recorded by: Kathy Mabry
Commission Secretary