

# Humboldt LAFCo Boundary Change Policies and Procedures

## 4.0

### OUT OF AGENCY SERVICE CONTRACTS OR AGREEMENTS

The following section provides policy and procedural guidelines by which the Commission considers requests for the extension of services by cities and districts outside their jurisdictional boundaries pursuant to Government Code Section 56133 (hereinafter referred to as "out of agency service contracts or agreements"). The Commission recognizes the importance of considering local conditions and circumstances when implementing these policies.

Note: Certain contracts or agreements for the exercise of new or extended fire protection services outside a public agency's jurisdictional boundaries may instead be subject to Government Code Section 56134. Please also refer to Section 5. *Fire Protection Contracts or Agreements* in such instances.

#### 4.1 Authority

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries if the city or district requests and receives approval from the Commission. The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization, or outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, under specified circumstances.

#### 4.2 Definitions

The following definitions are provided to assist in the implementation of Government Code Section 56133 since its terminology, in some areas, may not be reflective of current statutory definitions or has no statutory definition within the Cortese-Knox-Hertzberg Act:

- A. "New or extended services" shall mean the actual delivery of services or the intensification of services to a specific property. New or extended services established before January 1, 2001, are specifically exempt and are not within the purview of the Commission.
- B. "Contract or agreement" shall mean a contract, agreement, or other legal instrument, which requires or agrees to the delivery of service to the property.
- C. "Anticipation of a later change of organization." 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.

- D. "Public Agency" means the statutory definition of Public Agency is "the state or any state agency, board or commission, any city, county, city and county, special district or other political subdivision, or any agency, board or commission of the city, county, city and county, special district, or other political subdivision" (Government Code Section 56070).

The definition of public agency does not include a private or mutual water company. Any contract by a city or district to extend service to these types of service companies would require approval from the Commission prior to contract execution.

- E. "Public health and safety threat" shall mean the extension of service to alleviate an immediate health and/or safety problem. Such connections would be limited to the provision of water and/or sewer service to an existing structure, the connection to a failing mutual or private water system requiring auxiliary service, the provision of fire protection and rescue services as primary, supplemental or alternative source of service, and other similar threats related to health and safety.
- F. "Sufficient Service Capacity" shall mean the affected agency has the ability to provide the new or extended services to be provided under the agreement without adversely affecting current service levels within its jurisdictional boundaries.

### **4.3 Policies**

1. Commission Approval Required for New or Extended Services  
Except for the specific situations exempted by Government Code Section 56133, a city or district shall not provide new or extended services to any party or property outside its jurisdictional boundaries unless it has obtained written approval from LAFCo consistent with all the policies and procedures described herein.
2. Exemptions  
The Executive Officer shall consult with cities and districts to determine whether out of agency service agreements are subject to Commission review. The following agreements shall be exempt from Commission approval:
  - a. Any agreement solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
  - b. Any agreement for the transfer of nonpotable or nontreated water.
  - c. Any agreement solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential

- structures, for projects that serve conservation purposes or that directly support agricultural industries. However, any agreement for the extension of surplus water service to a project that will support or induce development shall not be exempt from Commission approval.
- d. Any agreement for an extended service that a city or district was providing on or before January 1, 2001.
  - e. Any agreement involving a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of its jurisdictional boundaries.
  - f. A fire protection contract as defined in Government Code Section 56134 (see Section 5. *Fire Protection Contracts or Agreements*).
3. Executive Officer Authority to Approve Certain Requests  
The Executive Officer shall have the authority to approve or conditionally approve out of agency service requests in cases where new or extended services are proposed to remedy a clear health and safety concern. In addition, the Executive Officer shall have the authority to approve or conditionally approve new or extended services where the services in question will not facilitate development.
4. Filing Requirements  
The filing requirements for review of out of agency service agreements shall consist of:
- a. Official Request from Applying Agency. A written request signed by a designated representative of the agency requesting approval for an out of agency service agreement, or an adopted resolution from the city/district proposing to serve outside its boundaries must be submitted.
  - b. Payment of Appropriate Filing Fees. The applying agency must submit as part of the application the appropriate filing fees as outlined in the LAFCo Fee Schedule.
  - c. A completed application form including the submission of a copy of the proposed contract or agreement that has been signed by the property owner(s) and, if necessary, the agency extending service(s), and maps showing the location of the property to be served, existing agency boundaries, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
  - d. Any other information deemed appropriate by the Executive Officer in order to review the service extension request based upon its special circumstances.

5. Environmental Review

All matters that involve discretionary action pursuant to these regulations 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 and shall prepare the required environmental analysis. Such a determination shall be required prior to authorization of a service extension.

6. Annexations

Annexations to cities and districts involving territory located within the affected agency'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.

7. Criteria for Authorizations of Out of Agency Service Requests

The Commission and the Executive Officer shall limit out of agency service agreements to public health and safety emergencies and circumstances where:

- a. Sufficient service capacity exists;
- b. Annexation would not be practicable (in determining whether an annexation is practicable, the Commission shall consider the sphere of influence determinations for the affected territory in accordance with Government Code 56425(e); and
- c. The out of agency service request is determined by the Commission to be consistent with the policies adopted in and pursuant to the Cortese-Knox-Hertzberg Act.

8. Public Health and Safety Criteria for Water and Sewer Services

The Commission recognizes the importance of proactively addressing impending threats to public health and safety in considering requests for outside water and sewer services. Accordingly, the affected agency or landowners shall provide the Commission with documentation of the public health and safety threat, consistent with the criteria below.

- a. An existing on-site sewage disposal system may be deemed a threat to the health and safety of the public or the affected residents if it meets one or more of the following criteria, as determined by a Humboldt County Division of Environmental Health Specialist or other qualified professional:
  - i. There is ponding or accumulation of wastewater or septic tank effluent at or above the surface of the ground.
  - ii. There is a lack of an unsaturated vertical soil separation between the bottom of a disposal field and seasonal high groundwater.

- iii. There is a failure of the disposal field or septic tank to accept, treat, and dispose of wastewater in quantities discharged by the structure served.
  - iv. The on-site septic system is within 50 feet of a well or other water source.
  - v. Any other condition associated with the operation or use of an on-site sewage system that could permit the exposure, either directly or indirectly, of individuals or domestic animals to inadequately treated wastewater.
- b. An existing water source used for domestic purposes may be deemed a threat to the health and safety of the public or the affected residents if it meets one or more of the following criteria, as determined by a Humboldt County Division of Environmental Health Specialist or other qualified professional:
- i. The water supply is impacted by biological, chemical, or radiological constituents that cannot be adequately or reasonably treated or removed to levels deemed safe for human consumption or contact.
  - ii. The quantity of the water supply is constantly or periodically inadequate (less than one gallon per minute) to meet the domestic needs for which its use is intended, and additional quantities cannot adequately or reasonably be developed.
  - iii. Any other condition in which the continued use of an existing water supply could result in negative impacts to human health.

#### **4.4 Procedures**

For all development-related applications for service, the item shall be considered by the Commission at a noticed public meeting. The authority for action for non-development related agreements/contracts has been delegated to the LAFCo Executive Officer by the Commission.

##### **1. Development Related Applications**

Development related agreements/contracts associated with the development of tracts, subdivisions, a single-family dwelling unit, a commercial/industrial development on a parcel, or other types of development-related projects shall require the following review and approval by the Commission:

- a. The city or district proposing to provide service(s) outside its boundaries shall submit to LAFCo an application for review and consideration. Within 30 days after receipt of an application, the Executive Officer shall determine whether the application is complete and acceptable for filing. If the request is deemed incomplete, the Executive Officer shall immediately notify the applying agency of that determination, specifying those parts of the

application that are incomplete and an explanation of the manner in which the deficiencies may be made complete.

- b. The Executive Officer shall provide a referral regarding the request to the Humboldt County Public Works, Planning and Building, and Environmental Health Departments and affected and nearby public agencies and utilities providing the service type that is proposed to be extended.
- c. If necessary, a meeting with the applying agency and/or the various departments may be held dependent upon the circumstances and/or issues related to the service agreement/contract. The determination of whether or not to hold the meeting shall be made by the LAFCo Executive Officer.
- d. Once these required elements have been completed, the item shall be placed on a Commission Agenda within 90 days. At a noticed public meeting, the Commission will consider the staff's presentation and presentations, if any, by interested and affected parties, and make a determination.
- e. The Commission has the authority to approve, approve with conditions, or deny the out of agency service request. The Commission's determination and any required findings will be set out in a resolution which specifies the area to be served, the services to be provided, and the authority of the agency to provide its services outside its boundaries.
- f. Within 30 days after the Commission disapproves or approves with conditions an out of agency service contract or agreement, the applicants may request reconsideration of the decision by filing a written request with the Executive Officer. In all other cases, the decision of the Commission on an out of agency service agreement shall be final and conclusive. The request for reconsideration shall include the required reconsideration fee and shall state the reasons for the reconsideration. The determinations of the Commission on reconsideration shall be final and conclusive.

## 2. Non-Development Related Applications

Non-development related contracts or agreements that are related to providing service to existing residential, commercial or industrial development shall include the following review and approval by the LAFCo Executive Officer:

- a. Prior to the execution of a contract or agreement for service outside their boundaries, the city/district proposing to provide the service shall submit to LAFCo a completed application, with all its component parts as previously defined, for review and consideration.
- b. The Executive Officer's administrative review shall include the following determinations:
  - i. The proposed service is either non-development related and/or involves health and safety concerns as defined by Commission policy.

- ii. Sufficient service capacity exists.
  - iii. The request is consistent with the Cortese-Knox-Hertzberg Act.
- c. The Executive Officer can approve, approve with conditions, or deny the request for out of agency service. Should the Executive Officer decide, for any reason, to not exercise his/her delegated authority, the Executive Officer shall refer the request to the Commission for approval.

In cases where the Executive Officer denies a proposed service outside agency boundaries, the proposal shall be placed on the next Commission meeting agenda for which notice can be provided. After consideration at a public meeting, the Commission may approve, conditionally approve, or deny the request for out of agency services.

In cases where the Executive Officer approves a proposed service outside agency boundaries, said approval is subject to a potential review initiated by the Commission. The applying agency and/or the affected property owner may, in their discretion, initiate the extension of service prior to the expiration of the time the Commission may initiate a review of the decision. However, any such action is taken at the risk of the applying agency and/or the property owner that the Commission may ultimately reverse the approval of the Executive Officer, or place additional conditions on such approval. The approval of the Executive Officer creates no legally enforceable, vested right of the applying agency and/or the property owner.

In cases where the Executive Officer approves a proposed service outside agency boundaries with conditions to which the applying agency and/or property owner objects, the applying agency and/or property owner may proceed with the action under the conditional terms and said conditional terms shall be placed on the next Commission meeting agenda for which notice can be provided. After consideration at the public meeting, the Commission may lift or modify the conditions.

- d. The Executive Officer shall notify the Commission of his/her decision on an outside service area agreement within two business days. Within ten days after the Executive Officer's decision, any member of the Commission may request the Commission to review the decision by filing a written request with the Executive Officer. The Executive Officer shall set the request for review as an agenda item for the next meeting of the Commission for which notice can be given. After consideration of the issue, the Commission may affirm, reverse, or modify the decision of the Executive Officer.

## Water & Sewer Utility Services to Areas Outside the City Limits

**Council Policy  
August 2, 2010**

### **Preamble:**

State law governs the extension of City services to territory outside the boundaries of the City's jurisdiction. Government Code §56133 specifically grants authority to LAFCO for approving the extension of various City water and/or sewer utility services outside local boundaries. LAFCO is allowed to approve extensions of utility services when the extension is for a hardship case and when the local agency intends to immediately annex the property into the City. Therefore, requests for City water and/or sewer utility services for all hardship cases must be accompanied by documentation of the public health risk along with an annexation application from the local jurisdiction.

The exceptions to LAFCO's authority are:

- Contracts and agreements between two or more public servicing agencies providing an alternative or substitute public service already being provided by an existing public service provider and is consistent with the level of service currently provided by an existing service; or provider.
- Contracts for the transfer of non-potable or untreated water or contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities including but not limited to projects that serve conservation projects or directly support agriculture industries.

Under Government Code §56133, the extension of water and sewer utility services outside the City's boundaries cannot support or induce development. In addition, these restrictions concerning the extensions of utility services do not apply to services that were already being provided on or before January 1, 2001.

State law and local Humboldt LAFCO regulations do not require the City to provide utility services beyond its boundaries. Therefore the City may impose additional restrictions or other limitations and conditions or decide not to extend any additional water & sewer utility services beyond the City's boundaries.



**Introduction:**

The City Council has adopted policies concerning the extension of water and/or sewer services outside the City boundaries for the following three circumstances:

**A. City Policies Regarding Water and/or Sewer Services for Hardship Situations and in Anticipation of Imminent Annexation:**

This section applies to water and/or sewer services replacing existing failed private services to single-family residences if a threat to public health and safety can be demonstrated along with the intent and application for annexation into the City.

**B. City Policies Regarding Water Services Within the Former Campton Heights Water Company Service Area:**

This section applies to requests for water utility service (only) to parcels that are outside the City's boundaries but within the boundaries of the former Campton Heights Water Company Service Area. The parcel must have been created in compliance with all local and state subdivision regulations on or before May 26, 2004.

**C. City Policies Regarding Water Services to Agricultural Industries:**

This section applies to the delivery of 'surplus' water to serve conservation projects or to directly support agriculture industries provided the parcels are located within the Sphere of Influence but outside the former Campton Heights Water Company's boundaries.

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**A. City Policies Regarding Water and/or Sewer Services for Hardship Situations and in Anticipation of Imminent Annexation**

After the approval of LAFCO, the City may provide residential water and sewer utility services to areas outside the City and outside the Campton Heights Water District area under the following conditions:

1. Sewer service, in hardship cases only, may be provided to existing single-family residences which are located on property within the City's Sphere of Influence, with all costs borne by the applicant including the payment of installation and capital connection fees. Hardship cases are defined as failures of existing septic systems that cannot be remedied by normal maintenance or the reconstruction of the existing system and pose a threat to public health and safety if not resolved.

## Water & Sewer Utility Services to Areas Outside the City Limits

**Council Policy**

**August 2, 2010**

2. Water service, in hardship cases only, may be provided to a property outside the City limits and outside the for Campton Heights Water Company's Service Area if the main line is extended to the property in accordance with the City Standards and without expense to the City. Hardship cases are defined as failure of an existing private potable water system due to inadequate water supply or the inability to no longer feasibly meet State of California Department of Health Services drinking water standards after treatment.
3. The usage rate charges for either water and/or sewer as well as the installation and capital connection fees charged for all areas outside the City limits but not within the former Campton Heights Water Company's Service Area will be one and one half (1.5) times the adopted fees and rates for water and sewer services within the City.
4. The applicant must submit written documentation of a demonstrated hardship supporting a threat to the public health and safety, prepared by a qualified professional.
5. An annexation application must be submitted by the property owner with all accompanying attachments, fees, and supporting documentation, to be processed through the Planning Commission and City Council for approval of a pre-zone in anticipation of an imminent annexation.
6. Once the prezone is approved by the City Council, the City staff will submit a request to LAFCO for approval of the service extension, pursuant to Government Code §56133.
7. The applicant requesting the extension of services shall pay all fees and costs associated with the LAFCO processing, and prepare and submit all information requested by the City and by LAFCO.
8. Drainage fees and Traffic Impact fees will be charged at the rate set by the fee resolution adopted by the City Council for properties that are annexed.

### **B. City Policies Regarding Services Within the Former Campton Heights Water Company Service Area**

In 1976, the City annexed the Rohnerville and Campton Heights areas into the City. And in 1991, the City purchased the Campton Heights Water Company which was a private water provider to Rohnerville and Campton Heights and some of unincorporated areas that remained outside the City's boundaries after the 1976 annexation. As a condition of purchase, the Public Utilities Commission which regulates private utility companies requested the City to continue to provide water services to the Campton Heights Water Company's service areas outside the City's boundaries and the City agreed.

This situation continued to be an ongoing point of discussion between the County, LAFCO and the City. In May 2004, the City Council adopted Resolution 2004-21 and formally requested approval by LAFCO to continue to serve those areas outside the City's boundaries and LAFCO adopted its Resolution No. 04-01 delineating the conditions for continuing water utility services to this area. As additional background information to supplement this policy, Attachment A includes Fortuna City Council Resolution 2004-21 (with staff report), LAFCO Resolution 04-01 and the map of the Campton Heights Water Company water service area boundaries.

The City may provide water utility services only to those parcels located within the former Campton Heights Water Company's historic service boundaries that are outside the City's boundaries under the following terms:

1. The parcels must have been created in compliance with all local and state subdivision regulations on or before May 26, 2004 (*pursuant to LAFCO Resolution No. 04-01, dated May 26, 2004*). Any new parcels created by County subdivision shall be served by on-site water, unless otherwise approved by LAFCO.
2. Water capital connection and usage fees will be charged at the standard rate that has been adopted for the service area.

**C. City Policies Regarding Water Services to Agricultural Industries**

The City operates a municipal water system to produce, treat, store and supply potable water for domestic and commercial purposes. The City may consider providing 'surplus' water to serve conservation projects or to directly support agriculture industries provided the parcels are located within the Sphere of Influence but outside the former Campton Heights Water Company's boundaries if the following conditions are met:

1. For each request, the City must first determine if there is adequate water production and storage capacity that is in excess of the quantity needed to serve the residents within the corporate boundaries within the foreseeable future in order to determine if there is any "surplus" water that could be provided.
2. 'Surplus' water will be provided only on a seasonal or on a year-to-year basis.

3. If it is determined that “surplus” water can be provided to meet the request, the City will then determine whether adequate existing infrastructure (including, but not limited to, necessary pumps, pipelines, and treatment capacity) exists to deliver the surplus water to the parcel. If existing infrastructure is not adequate to deliver the surplus water to the parcel, the City will determine what improvements are required to do so. Proposed infrastructure extension or improvements will be required to conform to the anticipated standards for the future annexation of the area within the City’s Sphere of Influence. The applicant shall be responsible for the cost of any/all studies or designs required to evaluate these conditions, and for the cost of the constructing or installing any needed improvements. The City may elect to enter into a reimbursement agreement for an equitable share of the cost of any needed improvements.
  
4. The ‘surplus’ water requested must be used on agricultural lands and facilities that directly support agricultural industries or conservation purposes and may include but is not limited to, incidental residential structures. (Gov. Code Sec. 56133 (e)). The applicant shall provide documentation to show how the proposed use complies with these uses. If there is surplus water, service will be provided only by a seasonal or annual agreement that may be renewed if the City determines it continues to have surplus water each time the agreement is renewed. If it is determined, that there is no surplus water at the time of the request for agriculture water service or when the agreement is considered for renewal, water service will not be initiated or will be cancelled.
  
5. Once the written request and supporting documentation is provided, City staff will consult with LAFCO to confirm that the request is exempt from LAFCO’s authority to approve service extensions, including a determination as to whether or not the project supports or induces development (Gov. Code Sec. 56133(e)).

**ATTACHMENT A**

- Fortuna City Council Resolution 2004-21
- LAFCO Resolution 04-01
- Map of the Campton Heights Water Company water service area boundaries

**Resolution 2004-21**

**A Resolution of the City Council  
of the City of Fortuna Affirming Continuation of Water Services to the Area  
Previously Served by the Campton Heights Water Company**

WHEREAS, the City purchased the Campton Heights Water Company in 1985 and has continuously provided water to the area previously served by the Company; and

WHEREAS, Local Area Formation Commission (LAFCO) rules when strictly enforced do not recognize the City's right to continue to provide water to the area previously served by the Campton Heights Water Company; and

WHEREAS, the County's 1985 Fortuna Community Plan recognized the long-term supply of water service to the area previously served by the Campton Heights Water Company; and

WHEREAS, the County's Initial Study/Negative Declaration of Environmental Impact for the 1985 Fortuna Community Plan made the determination that there are no significant impacts as a result of providing water service to the area, and the City of Fortuna is relying on the analysis and findings of the County's Initial Study/Negative Declaration for the 1985 Fortuna Community Plan because there are no significant changes to the service area or the type or level of service being provided or intended to be provided;

NOW, THEREFORE, BE IT RESOLVED by the City hereby requests that LAFCO amend the local LAFCO rules to formally recognize the City's right to provide water services to the area previously served by the Campton Heights Water Company.

PASSED AND ADOPTED on this 19th day of May, 2004, by the following vote:

AYES: Councilwoman August, Councilmen Berti, Glaser, Shelton and Mayor Cooke

NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Mayor, City Council

ATTEST:

  
\_\_\_\_\_  
City Clerk

**ATTACHMENT 1**  
**LAFCO RESOLUTION OF APPROVAL**

**LOCAL AGENCY FORMATION COMMISSION (LAFCO)**  
**COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
**RESOLUTION NO. 04-01 AND CERTIFIED COPY OF PORTION OF PROCEEDINGS**  
**MEETING ON MAY 26, 2004**

**MAKING THE REQUIRED FINDINGS FOR CLARIFICATION OF LAFCO PROCEDURES  
AND CONDITIONAL APPROVAL OF THE EXTENSION OF WATER SERVICES**

**WHEREAS**, On April 19, 2004 the City of Fortuna applied to the Local Agency Formation Commission for approval of the continued extension of water services to property outside the City boundaries, pursuant to section 56133 of the California Government Code; and

**WHEREAS**, The Negative Declaration that was adopted for the Fortuna Community Plan dated May 31, 1984 includes an extensive analysis of potential impacts on the environment based upon population projections and potential maximum build-out based on existing zoning, as related to existing infrastructure and public services, airport safety, resource production, existing hazards and sensitive habitats. Because the City is only requesting approval of the continued extension of water services within this area, the Negative Declaration prepared for the Fortuna Community Plan adequately addresses the potential impacts associated with the historic delivery of water services to existing parcels in this area; and

**WHEREAS**, Section 15162 of the California Code of Regulations requires that no subsequent Negative Declaration be prepared unless the Lead Agency determines that: "substantial changes are proposed in the project" or to the "circumstances under which the project is undertaken" which will require "major revisions" of the previous Negative Declaration, or "new information of substantial importance which was not known and could not have been known" shows that a subsequent negative declaration shall be prepared; and

**WHEREAS**, The City of Fortuna, as Lead Agency, has determined that there are not substantial changes to the project, which is the continued provision of water services to existing parcels within the historic boundaries of the Campton Heights Water Company, or that there is new information of substantial importance which was not known and could not have been known when the County adopted the Negative Declaration for the Fortuna Community Plan; and

**WHEREAS**, as a Responsible Agency, LAFCO has reviewed and considered the environmental effects of the project as shown in the negative declaration; and

**WHEREAS**, LAFCO finds that the continued extension of water services outside City boundaries is within the City of Fortuna Sphere of Influence and in anticipation of annexation for the reasons stated above and because:

- The California Public Utilities Commission obligated the City to operate the assets that had previously been located within the jurisdictional boundaries of the Campton Heights Water Company in the same manner as the City was operating the system within the City proper. The City has completely upgraded and integrated the former water system into the City's public water system.
- Both the City and County General Plans, and LAFCO's adopted Sphere of Influence Report support the continued provision of water services outside city limits.
- Both the City of Fortuna General Plan and the LAFCO Sphere of Influence Report indicate that annexation of this area is anticipated, and the area is included in LAFCO's adopted Sphere of Influence Map for the City.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Local Agency Formation Commission, based on the LAFCO staff report dated May 19, 2004, that LAFCO makes all of the above findings in approving the City of Fortuna's request to continue extending water services to the existing parcels within the historic boundaries of the Campion Heights Water Company conditioned upon:

1. The continued extension of water services only, and not city sewer or other services, to only those parcels that exist within the historic boundaries of the Campion Heights Water Company, as illustrated on Attachment 4 of the LAFCO Staff Report for Agenda Item 6B dated May 17, 2004, and
2. The continued extension of water services only to those parcels that were created in compliance with all local and state subdivision regulations on or before the May 26, 2004.

**Severability:** The provisions of this Resolution shall be construed and given effect in a manner that avoids any violation of statute, regulations, or law. In the event any provision of this Resolution is held to be invalid or void by any court of competent jurisdiction, the invalidity of any such provision shall in no way affect any other provision of this Resolution.

Adopted on motion by Commissioner Cooney, seconded by Supervisor Neely and the following vote:

AYES: Commissioners: Curless, Cooney, Shelton, Leonard, McClelland, Rodoni & Neely  
NOES: Commissioners: NONE  
ABSENT: Commissioners: NONE

STATE OF CALIFORNIA  
County of Humboldt

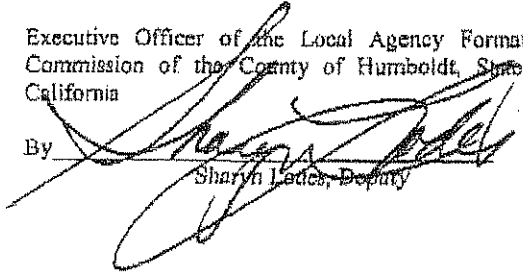
) SS.  
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I, KIRK GIRARD, Executive Officer of the Local Agency Formation Commission of the County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Local Agency Formation Commission at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Local Agency Formation Commission

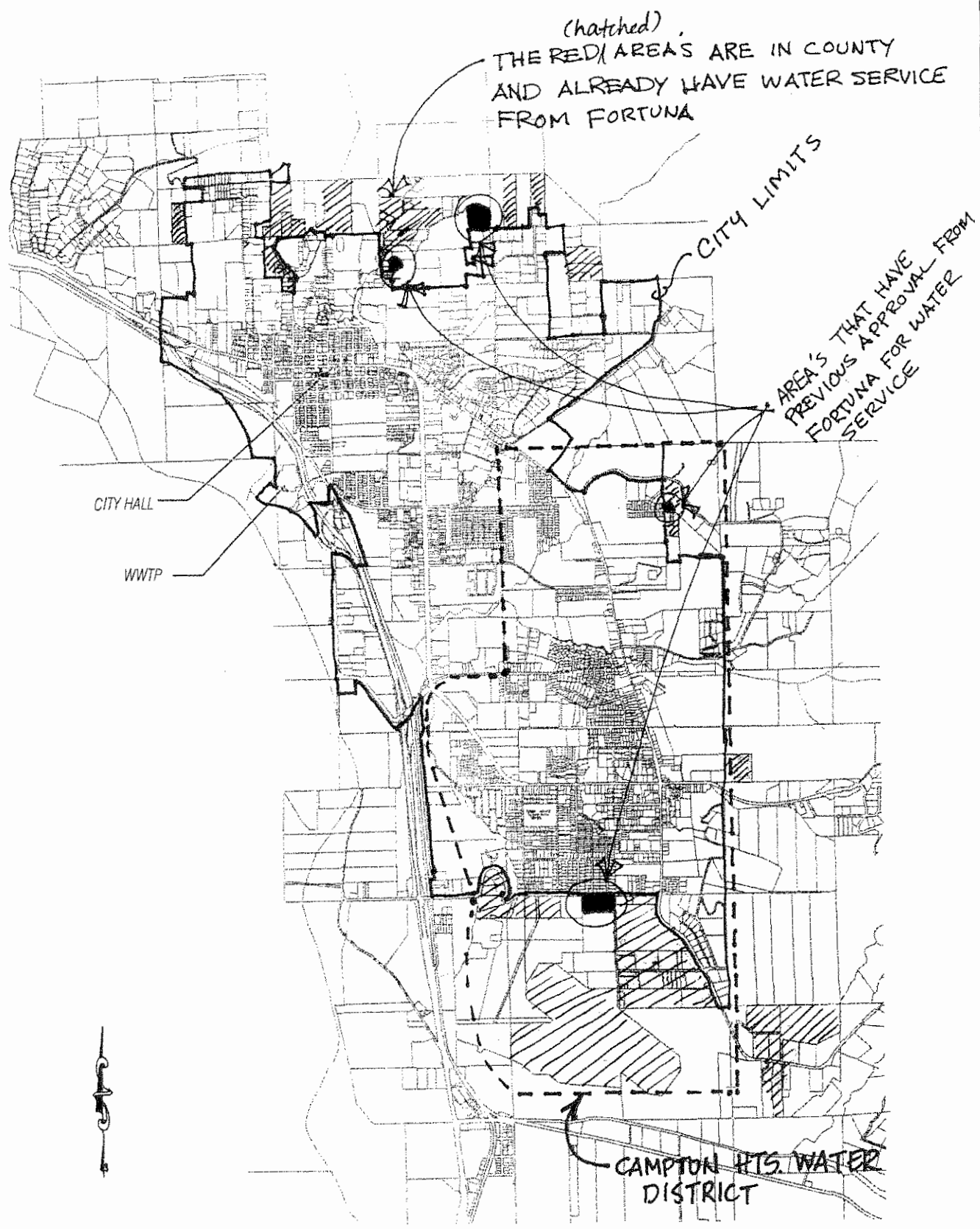
KIRK GIRARD

Executive Officer of the Local Agency Formation Commission of the County of Humboldt, State of California

By   
Sharyn Lodes, Deputy

DATE: June 3, 2004





FORTUNA VICINITY MAP

NTS

**Attachment C**  
**Letter from Andrew Neuman of Fisch Drilling**



3150 Johnson Road, Hydesville, CA 95547 • (707) 768-9800 • www.fischdrilling.com

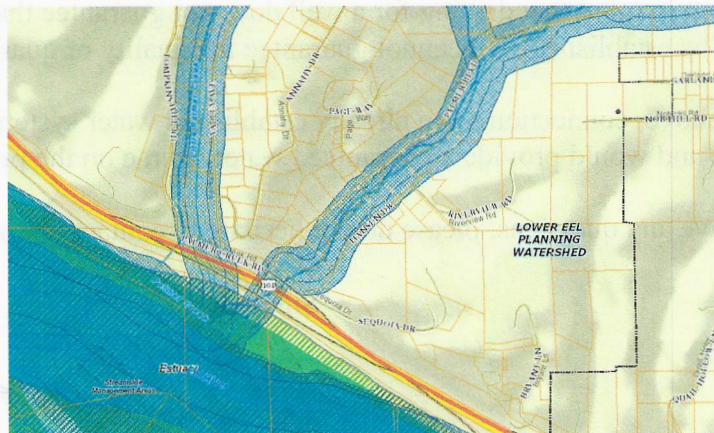
June 14, 2024

Re: 406 Nob Hill, Fortuna, CA  
Harry Hardin Hardship

To Whom It May Concern,

On May 9, 2024, I met with Harry Hardin at the real property located at 406 Nob Hill Road, Fortuna, to discuss his options for water on the property. At that time, we discussed property boundaries, the location of his septic system, and possible water well drilling locations. There were no existing water sources on the property for water consumption including no water wells and no established springs. I reviewed the State's Well Completion Report Mapping Application and found no records of water wells on the property.

I also reviewed the Humboldt GIS and found the property is located in the Lower Eel Planning Watershed and approximately 400 feet from a Streamside Management Area related to Palmer Creek.

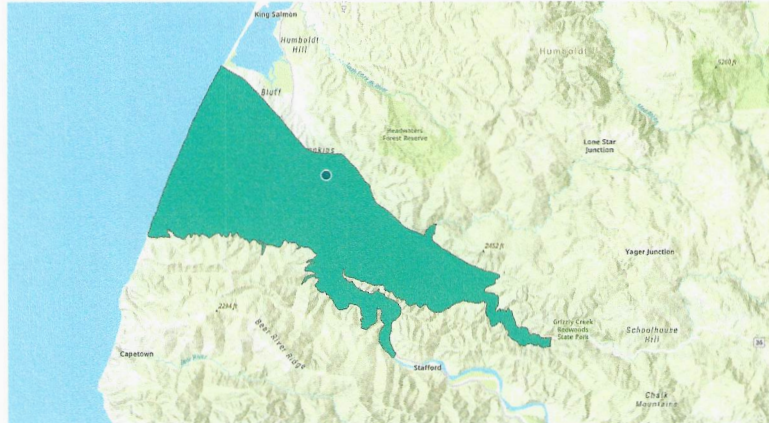


The property is located in the upper right corner where the black dot indicates.

The property is not located in the coastal zone.

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The subject property is also within one mile of the Eel River and the entire parcel is considered to be located within the Eel River Basin which is subject to the Sustainable Groundwater Management Act (SGMA).



Given the slope of the property and the location of the septic, the possible drilling locations on this parcel are limited to a confined area. While a water well application may be submitted for drilling on the property, it is highly likely that a hydrological study by a licensed hydrologist will be required under Governor's Executive Order N-3-23. A Public Trust analysis will also be performed by the County when considering the application. The application fee for the permit, the hydrological study, and the additional review fee to the County associated with the study is estimated to be between \$5,000 and \$12,000 just for the permitting process. If the water well permit is approved, the owner will then need to pay for the drilling of the water well, installation of a pump system, possible water treatment after property water testing, and possible water storage if the production of the well does not meet the County standards.

Please also keep in mind that drilling for a well does not guarantee that water will be found and a well will be established. We cannot guarantee the quality or quantity of water.

Based on the above, connection to an already established water system will be both more economically feasible and would provide a guaranteed water source on the property.

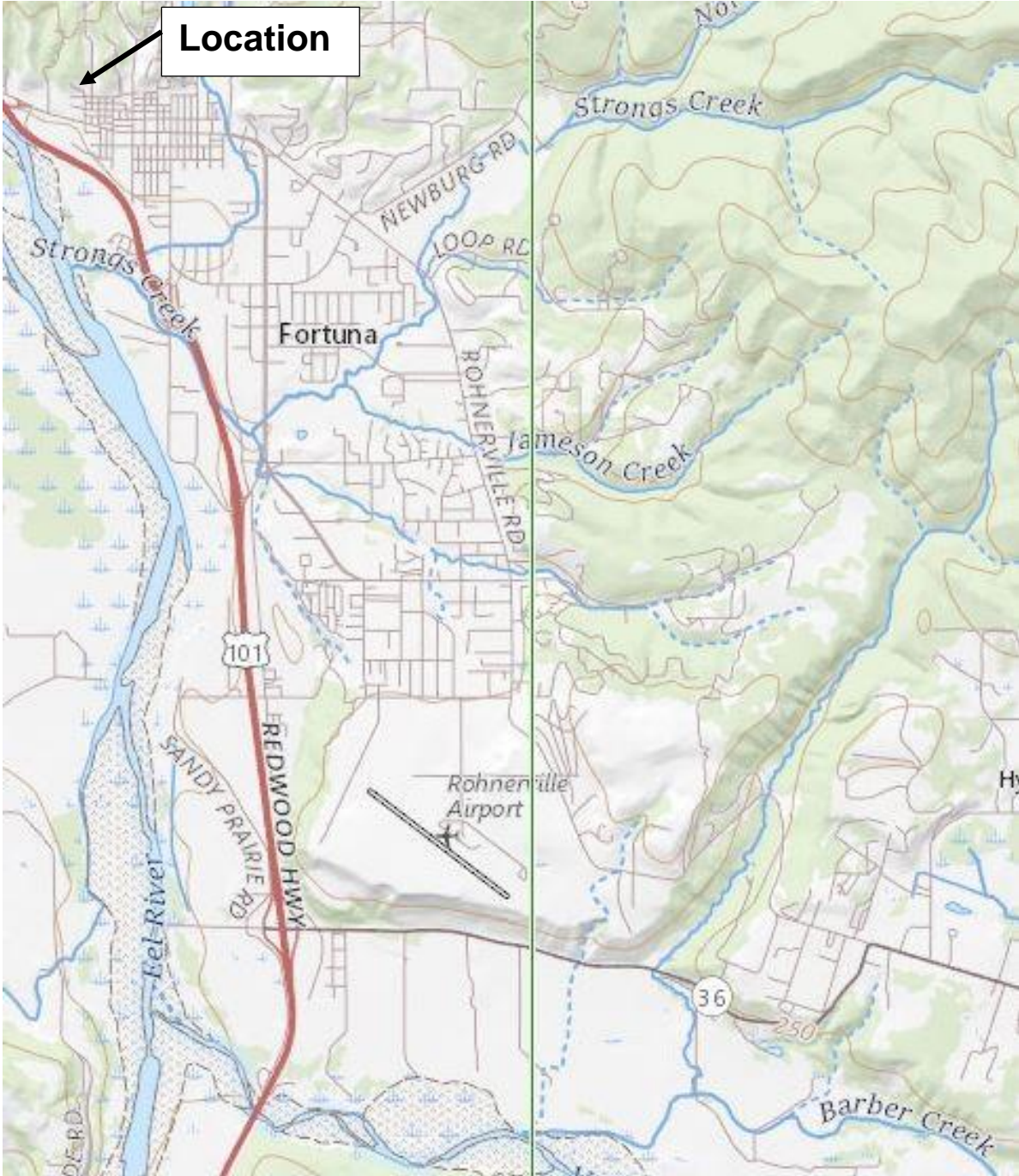
Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Andrew Neuman  
Well Drilling Supervisor



# Location Map





# Site Plan

