

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**  
**1112 I Street, Suite #100**  
**Sacramento, California 95814**  
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August 3, 2005

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer

RE: **SAMRA CONTRACT FOR SERVICE** (07-03)  
**[Sacramento Regional County Sanitation District and**  
**County Sanitation District No. 1]**  
**[CEQA: Exempt]**

**RECOMMENDATION**

Deny Gurdial Samra's application to enter into an out-of-service area agreement for sanitary sewer service with Sacramento Regional County Sanitation District and County Sanitation District No. 1. Based on District policies, and because the applicant has been unable to demonstrate an existing public health and safety issue, Sacramento Regional County Sanitation District and County Sanitation District No. 1 staff cannot approve Mr. Samra's request for service. The Districts cannot provide sanitary sewer service without an Environmental Management Department finding that significant environmental or health risks created by the private disposal system exist and that no feasible alternative to public sewer service exists. [The Environmental Management Department has not made this finding.]

**BACKGROUND**

Mr. Samra, the property owner of APN 225-0131-002, a single family parcel located at 3340 Leona Circle, has submitted a request to obtain sanitary sewer service from Sacramento Regional County Sanitation District and County Sanitation District No. 1. Mr. Samra's parcel is located outside the current boundary of: the City of Sacramento city limits, the City of Sacramento Sphere of Influence, the County of Sacramento's Urban Service Boundary, the County of Sacramento's Urban Policy Area, Sacramento Regional County Sanitation District, and County Sanitation District No. 1. Consequently, the parcel is not eligible for public sewer service unless an out-of-district service contract is approved by your Commission.

Note: The Samra property is located approximately 200 feet from an existing 24 inch sewer line located in El Centro Road. The proximity of the Samra property to the sewer line creates an illogical situation that is difficult to understand. Basically, an approved subdivision lot is not eligible to obtain public sewer service because jurisdictional lines create a barrier to service.

The subject property, and surrounding properties, are situated in an area that has a high water table and poor soil conditions, however, it is located near an existing sewer line located in El Centro Road. Recently, property owners in the area as well as prospective buyers have made inquiries regarding sewer service.

Before an out-of-district contract for service can be approved, the service provider [C.S.D. No. 1] must agree to provide the service. Your Commission cannot mandate a service provider to provide service. Based on the two District policies listed below, Sacramento Regional County Sanitation District and County Sanitation District No. 1 have each declined to provide service to this parcel.<sup>1</sup>

1. **Policy PF-13** of the Sacramento County General Plan states that public sewer systems shall not extend service into agricultural-residential areas outside the urban policy area (UPA) unless the Environmental Health Department, now Environmental Management Department (EMD), determines that there exists significant environmental or health risks created by private disposal systems serving existing development and no feasible alternatives exist to public sewer service.
2. Local Agency Formation Commission (LAFCo) gives authorization to allow CSD-1 and SRCSD to provide sewer service on a contractual basis.

Government Code Section 56133<sup>2</sup> provides the following:

- a) A city or district **may** provide new or extended services by contract or agreement outside its jurisdictional boundaries **only if it first requests and receives written approval from the Commission in the affected county.**
- b) 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.
- c) The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and 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 if both of the following requirements are met:

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<sup>1</sup> See attached letter.

<sup>2</sup> Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

1. **The entity applying for the contract 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, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code that has filed a map and a statement of its service capabilities with the Commission.

Summary of steps and sequence in the approval process:

1. Environmental Management Department (EMD) determines that a significant environmental or health risk would be created by a proposed on-site system and that no feasible alternatives exist to public sewer service.
2. Property owner petitions Districts requesting inclusion in SOI and provision of sewer service by contract with verification that EMD has made finding as required in step one.
3. Districts initiate study for the provision of sewer service and requests District Board approval to file application with LAFCo requesting that the property be included in the SOI and be provided service by contract.
4. LAFCo approves application and authorizes Districts to enter into a contract for service.
5. District board approves contract for sewer service.
6. Required sewer facilities are constructed and service is provided.

### **DISCUSSION**

The property has a relatively long history in which the following events have occurred. Please see attached Summary Chronology of Events at 3340 Leona Circle. On January 31, 2005, the Sacramento County Planning Department denied LAFCo's request to administratively amend the General Plan that would move the Urban Service Boundary and Urban Policy Area to allow sewer service to Leona Circle without demonstrating a public health risk. Note: This action would not have required zoning changes because the current zoning designation AR-1 is required to connect to sanitary sewer services. (See attached letter from Planning Department.)

Prior to initiation of construction of the single family residential unit, LAFCo and Environmental Health staff informed Mr. Samra that serving this parcel with a standard septic system may be problematic. LAFCo staff indicated that in light of various

interrelated policy considerations [Natomas Joint Vision - long range planning issues], it would not recommend an out-of-district service contract. However, staff explained that this territory could be annexed to the City of Sacramento or the USB could be amended and that it would be appropriate to work with either or both City and County Planning staff. Both City and County Planning staff have indicated a reluctance to process SOI Amendments and annexation proposals or to amend the Urban Services Boundary because of potential impacts to other projects.

Note: Prior to Mr. Samra's application, LAFCo staff had received many requests from surrounding properties for sanitary sewer service. LAFCo indicated that a contract for service for new construction would not be appropriate. Mr. Samra assumed all risk when he proceeded to construct a residence without an adequate septic design.

During this period, LAFCo staff received other public inquiries from interested buyers of undeveloped parcels in the vicinity of Leona Circle. Your staff told these individuals that a short or easy annexation process to the sanitation district or the City of Sacramento would not be likely. In light of the consistent LAFCo staff response to inquiries concerning this area, these parties did not proceed with the land purchase.

### **ALTERNATIVES**

The property owners have basically four options:

1. Install an engineered septic system. [Note: Additional property may be required to accommodate the required facilities because the house, garage and well on this lot occupy most of the lot.]
2. Amend the City of Sacramento's Sphere of Influence and Annex to City.<sup>3</sup>
3. Request that the County of Sacramento Amend the General Plan to extend the Urban Services Boundary to include the parcels on Leona Circle. [County Planning staff has declined LAFCo's request to process an administrative amendment to the USB/UPA boundary.]
4. Provide documentation from Environmental Management Department that it has determined there is a significant environmental or health risk and that no feasible alternative to a public sewer system exists. The Environmental Management Department has not received any recent requests for inspection or found any violations in surrounding properties.

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<sup>3</sup> The parcel is not contiguous to the City limit. Thus, such a process would require including at least one interceding parcel.

## **PREVIOUS WAIVERS**

At present, your Commission has approved two previous out-of-district service contracts for sewer service in this area. The first case, an existing residence was under reconstruction. Documentation from Environmental Health indicated that the septic system had failed. After obtaining consent from County Sanitation District No. 1, your Commission approved an out-of-district contract for service.

The second case was similar to Mr. Samra's situation. Four homes on two 12.5 acre lots were constructed. When the homes were nearly complete, the property owner requested service from County Sanitation District No. 1. Eventually, it was agreed that they would be allowed to obtain public sewer service. Frankly, this case triggered much concern that other properties would be allowed to get public sewer service via a contract. Attempts to prevent a similar situation from occurring were implemented to restrict building permits unless property owners could demonstrate that septic systems were feasible.

After that time, Sacramento County attempted to flag lots in the immediate vicinity of Leona Circle so that future building permits would not be issued unless the applicant could demonstrate that the soil adequately percolated to provide a safe and cost-effective sewer system.

## **ANALYSIS**

On May 25, 2005, the Sacramento County Environmental Management Department (EMD) issued a letter stating that this residence cannot be occupied until adequate sewer service is provided. EMD also indicated that it does not have evidence indicating there is an excessive sewer system failure rate on Leona Circle. **No repair permits applying to this neighborhood have been taken out since 1990. Therefore, Mr. Samra cannot demonstrate a health and safety issue exists.**

## **ZONING**

The subject parcel is zoned single family residential, AR-1. It is Lot 2 of Natomas Estates Park (accepted by Board of Supervisors March 1956). It is a legally established lot. However, municipal water and sewer service are not available.

## **SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT And COUNTY SANITATION DISTRICT NO. 1 SERVICE POLICY**

The Districts cannot provide public sewer service unless the Environmental Health Department determines that there is a public health and safety risk and the Districts agree to provide service.

**SACRAMENTO COUNTY BUILDING PERMITS**

A building permit was issued and Mr. Samra has constructed a 6,300 square foot house and 1,200 square foot garage at 3340 Leona Circles. However, the house cannot be occupied until a sewer connection is made or a septic system has been installed. Because the house, garage and well cover most of the lot, it appears there is minimal, perhaps no, available space in which to install an adequate septic system.

**RECOMMENDATION**

I recommend denial of the Samra request. The sanitation districts have not agreed to provide service because the applicant cannot justify a public health and safety risk. The applicant may:

- (1) Request SOI/ Annexation to the City of Sacramento;
- (2) Request the County of Sacramento to amend the Urban Service Boundary;
- (3) Request the Environmental Health Department to reevaluate the health and safety risk to the public and find that no private disposal system is feasible.

PB:Maf  
Attachments  
(Samra Contract)