



# Siskiyou Local Agency Formation Commission

806 South Main Street, Yreka, California 96097  
Phone: (530) 841-2100 / Fax: (530) 841-4076  
[Siskiyou County LAFCo](#)

**Hailey Lang**  
Executive Officer

**Rachel Jereb**  
Deputy Executive Officer

## New Business Agenda Item No. 1 Potts Out of Area Service Agreement (LAF-22-02) October 11, 2022

- Property Owner:** Stephen M. Potts  
PO Box 122  
Etna, CA 96027-0122
- Applicant:** City of Etna  
PO Box 460  
Etna, CA 96027-0460
- Project Summary:** The proposed project is an out of area service agreement (OASA) with the city of Etna to extend water service to a residential property located outside of Etna city limits. The current owners of the property have requested that the city of Etna extend water service to the property for a future dwelling.
- Location:** The property is located at 1107 Sawyers Bar Road, approximately 800 feet south of the city of Etna on APN 023-500-390; Township 42N, Range 9W, Section 32, MDB&M.
- Property Size:** Approximately 3.89 acres
- Current Use:** Vacant
- Exhibit:**
- A. Draft Resolution LAF 2022-002  
A Resolution of Siskiyou LAFCO Determining the Project Exempt from the California Environmental Quality Act and Approving the Potts Out of Area Service Agreement (LAF-22-02)
  - B. Stephen M. Potts Annexation Waiver
  - C. City of Etna Resolution No. 2022-017

---

### City Members

Deborah Baird, Chair  
Matthew Bryan, Vice Chair  
Michelle DeCausmaker, Alternate

### County Members

Ed Valenzuela, Commissioner  
Nancy Ogren, Commissioner  
Michael Kobseff, Alternate

### Public Members

Laurel Harkness / Member-At-Large  
Angelina Cook, Alternate Member-At-Large

## Background

California Government Code Section 56133 permits a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the local agency formation commission in the affected county. Government Code Section 56133 further permits local agency formation commissions to 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.

## Analysis

Upon request by the property owner, the city of Etna has applied to Siskiyou LAFCo for authorization to extend sewer service to a residential property. Pursuant to Government Code section 56133(d), the commission shall approve, disapprove, or approve with conditions the extended service.

The property is located on the west side of Sawyers Bar Road, approximately 800 feet south of the city of Etna.

On January 7, 2014, Siskiyou LAFCo granted the Executive Officer authority to approve out of area service requests under limited circumstances and subject to specific findings consistent with state law. However, not all the required findings were able to be made in order for this project to be administratively approved.

## Findings

1. The provision of services will not result in the property being able to be further subdivided.

The property is currently zoned Rural Residential Agricultural (R-R) by the county. It has not been pre-zoned by the city. Pursuant to Siskiyou County Code, the minimum parcel size if the property is developed with a well and septic system is 2.5 acres. However, with the addition of the requested water service, the minimum parcel size would be reduced to 1 acre. Because the parcel is 3.89 acres, the 1-acre minimum parcel size would allow for the potential subdivision of the subject property. **Therefore, this finding cannot be made.**

2. The owners of the property have waived their right to contest future annexation of the property should future annexation be proposed.

The property owner, Stephen Potts, waived his right to contest future annexation on September 26, 2022 (see Exhibit A). The waiver will be recorded in Siskiyou County Official Records upon approval of this project.

3. The governing body of the proposed service provider has adopted a resolution approving extension of service(s) to the property.

The Etna City Council adopted Resolution No. 2022-017 (see Exhibit B) approving extension of water service to the property.

4. The proposed service provider has adequate capacity to serve the property without adversely impacting services to its existing customers.

Adequate capacity to serve the property was verified with the Etna Public Works Department by Etna Planning staff as part of their staff level review.

5. The extension of services will not directly or indirectly result in the conversion of prime agricultural land as defined in Government Code Section 56064.

The subject parcel does not contain prime agricultural land; therefore, the extension of services will not result in the conversion of prime agricultural land.

6. If no threat to public health or safety exists, the property is located within the sphere of influence of the proposed service provider.

No known threat to public health or safety exists related to this project. The subject property is within the Sphere of Influence of the City of Etna as indicated in the 2021 *City of Etna Municipal Services Review and Sphere of Influence Update*.

## **Environmental Review**

The proposed project (i.e., determination of approval to extend water service to a property outside the jurisdictional boundary of the City of Etna) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301(b) and 15303(a). These sections apply because the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private facilities, including public utility services is exempt pursuant to section 15301(b). This extension is proposed to serve a new single-family dwelling, which is exempt pursuant to section 15303(a). Additionally, because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, the project is exempt pursuant to section 15061(b)(3).

The LAFCO Commission must consider the proposed CEQA exemption together with any comments received during the public review process. Further, the exemption can only be approved if the Commission finds, based on the whole of the record before it, that there is not substantial evidence that there are unusual circumstances (including future activities) which might reasonably result in the project having a significant effect on the environment.

## **Comments**

A Notice of Public Hearing was published in the Siskiyou Daily News on September 14, 2022 and mailed to property owners within 300 feet of the subject property. No public comments have been received at the time this staff report was written.

## **LAFCO Staff Recommendations**

- Adopt Resolution LAF 2022-002 taking the following actions:
  - Approve the Out of Area Service (LAF-22-02) request based on the recommended findings and subject to the recommended conditions of approval; and
  - Determine the project exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15061(b)(3), 15301(b), and 15303(a).

## **Suggested Motion**

I move that we adopt Resolution No. LAF 2022-002, A Resolution of Siskiyou LAFCO Approving the Potts Out of Area Service Agreement (LAF-22-02) and Determining the Project Exempt from CEQA.

## **Preparation**

Prepared by Siskiyou Local Agency Formation Commission staff.

For project specific information or to obtain copies for your review, please contact:

Rachel Jereb, Deputy Executive Officer  
Siskiyou LAFCO  
806 S. Main Street  
Yreka, CA 96097

**Resolution No. LAF 2022-002**  
**A Resolution of Siskiyou LAFCO Determining the Project**  
**Exempt from the California Environmental Quality Act and**  
**Approving the Potts Out of Area Service Agreement (LAF-22-02)**

**Whereas**, Government Code §56133 permits a city or district to provide new or extended services by contract or agreement outside of its jurisdiction boundaries only if it first requests and receives written approval from the local agency formation commission in the affected county; and

**Whereas**, on August 22, 2022, the City of Etna approved Resolution No. 2022-017, approving the request by the property owner, Stephen Potts, to extend water service to Mr. Potts' property; and

**Whereas**, Resolution No. 2022-017 further requested approval of an out of area service agreement (OASA) for that same extension of water service to Mr. Potts' property from Siskiyou Local Agency Formation Commission (LAFCO); and

**Whereas**, LAFCO received an application from the City of Etna for an OASA to extend water service to Mr. Potts' property; and

**Whereas**, LAFCO was unable to make all the required findings to administratively approve the requested OASA; and

**Whereas**, a public hearing notice was published in the Siskiyou Daily News on September 14, 2022 and mailed to property owners within 300 feet of the subject property; and

**Whereas**, LAFCO presented its oral and written staff report on the proposed OASA LAF-22-02 at LAFCO's regularly scheduled meeting on October 11, 2022; and

**Whereas**, LAFCO recommended OASA LAF-22-02 be determined categorically exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15061(b)(3), 15301(b), and 15303(d), because it can be seen with certainty that there would not be any significant impacts to the environment resulting from the project; and

**Whereas**, on October 11, 2022, the Chair of the LAFCO Commission opened the duly noticed public hearing on LAF-22-02 to receive testimony, both oral and written, following which the Chair closed the public hearing and the Commission discussed LAF-22-02 prior to reaching its decision.

**Now, therefore be it resolved** that the Siskiyou County Local Agency Formation Commission adopts the recommended findings set forth in the written staff report referenced hereto and incorporated herein; and

**Be it further resolved** that the Siskiyou County Local Agency Formation Commission, based on the evidence in the record and the finding sets forth in the written staff report, determines the project categorically exempt from CEQA pursuant to sections 15061(b)(3), 15301(b), and 15303(d) of the CEQA Guidelines and approves OASA LAF-22-02.

**Passed and Adopted** by the Siskiyou Local Agency Formation Commission at a regular meeting of said Commission, held on October 11, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SISKIYOU LOCAL AGENCY FORMATION  
COMMISSION

---

Deborah Baird, Chair

ATTEST:

---

Janine Rowe, Clerk to the Commission

# EXHIBIT A

## ANNEXATION WAIVER FOR OUT OF AREA SERVICE AGREEMENT

In order to execute an out of area service agreement between Siskiyou LAFCO and the city of Etna for the extension of water service to the property located approximately 800 feet south of the city of Etna at 1107 Sawyers Bar Road (APN: 023-500-390), in Section 32 of Township 42N, Range 9W, MDB&M.

Stephen M. Potts is the legal property owners of the real property commonly known as Assessor's Parcel Number 023-500-390 and more specifically described in the Grant Deed recorded as Document Number 2020-0004741 as follows:

Parcel VIII as described in the Grant Deed from W.D. Erwin and Marjorie Erwin to Richard W. Kramer and Mildred E. Kramer dated June 13, 1960 and recorded in Volume 779 of Official Records at pages 474 through 478 inclusive, Siskiyou County records described as:

Piece or parcel of land bounded and particularly described as follows:

**Beginning** at the Southwest corner of Lot one Government Survey of Section 32 Township 42 North, Range 9 West, M.D.M. thence North  $89\ 1/4^\circ$  East, nine and  $80/100$  (9.80) chains to corner on West side of Public Road; thence North  $9\ 1/4^\circ$  West along the West side of said Road six and  $70/100$  (6.70) chains to S.E. Corner of Kappler Lot; thence N.  $86^\circ$  W. one and  $54/100$  (1 .54) chains; S.  $60^\circ$  W. one and  $56/100$  (1 .56) chains; S.  $78^\circ$  W. five and  $90/100$  (5.90) chains on line of Kappler Lot; thence South five and  $5/100$  (5.05) chains to the Place of Beginning.

**SAVING AND EXCEPTING** that portion thereof, conveyed to Jack Benjamin by deed recorded in Liber 220 Official Records, page 245, and particularly described as Being a fractional portion of the NE  $1/4$  of the NE  $1/4$  of Section 32, Township 42 North, Range 9 West, M.D.M. described as **Beginning** at a point on the South line of said NE  $1/4$  of NE  $1/4$  of said Section 32 and from which the S.W. corner of said NE  $1/4$  of NE  $1/4$  bears S.  $87^\circ 59'$  W. 325.8 feet; thence N.  $87^\circ 59'$  E. 208.7 feet along the South line of aforesaid NE  $1/4$  of NE  $1/4$  of Section 32 to point on the Westerly right of way line of County Road; thence N.  $8^\circ 09'$  E. 212.1 feet along the Westerly line of County Road to a point; thence S.  $87^\circ 59'$  W. 208.7 feet to a point; thence S.  $8^\circ 09'$  W. 212.1 feet to the place of beginning and containing 1. Acre.

Stephen M. Potts hereby agrees to waive the right to contest future annexation of the property should future annexation be proposed.

  
\_\_\_\_\_  
Stephen M. Potts

  
\_\_\_\_\_  
Date

**SIGNATURE MUST BE NOTARIZED**

EXHIBIT B

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
 County of Siskiyou } ss.

On 09/26/2022 before me, Peaches Hansen, Notary Public, Notary Public, personally appeared Stephen Mitchell Potts, who

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

  
 \_\_\_\_\_  
 Signature of Notary Public

### OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

<b>CAPACITY(IES) CLAIMED BY SIGNER(S)</b>	<b>DESCRIPTION OF ATTACHED DOCUMENT</b>
<p><b>SIGNER'S NAME:</b></p> <p><input type="checkbox"/> Individual  <input type="checkbox"/> Corporate Officer</p> <p style="text-align: center;">Title</p> <p><input type="checkbox"/> Partner(s)                      <input type="checkbox"/> Limited  <input type="checkbox"/> Attorney-in-Fact                      <input type="checkbox"/> General  <input type="checkbox"/> Trustee(s)  <input type="checkbox"/> Guardian/Conservator  <input type="checkbox"/> Other:</p>	<p style="text-align: center;"><i>Title or Type of Document</i></p> <p style="text-align: center;"><i>Number of Pages</i></p> <p style="text-align: center;"><i>Date of Document</i></p> <p style="text-align: center;"><i>Signer(s) Other Than Named Above</i></p>
<b>Absent Signer (Principal) is Representing:</b>	





# City of Etna

## RESOLUTION NO. 2022-017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ETNA  
APPROVING THE EXTENSION OF WATER SERVICE TO RESIDENTIAL  
PROPERTY LOCATED OUTSIDE CITY LIMITS AT 1107 SAWYERS BAR ROAD  
(APN 023-500-390)**

**WHEREAS**, the City of Etna has received a landowner petition from Steve Potts, owner of 1107 Sawyers Bar Road (APN 023-500-390), to extend water service to the property; and

**WHEREAS**, the property is zoned for single-family residential use and is proposed for development with a single-family dwelling; and

**WHEREAS**, in contracting for city water service, the property owner would be obligated to all terms and conditions in the City of Etna Municipal Code applicable to the provision of the service, including service rate fees; and

**WHEREAS**, the property owner will be responsible for the cost of all improvements, including construction and installation; and

**WHEREAS**, the City of Etna has adequate water capacity to serve the property for which the service is requested without negatively impacting services to its existing customers; and

**WHEREAS**, the Siskiyou Local Agency Formation Commission (LAFCo) is the lead agency for the project pursuant to the California Environmental Quality Act (CEQA) and the City of Etna is a responsible agency; and

**WHEREAS**, the City Council has determined independently and in consultation with Siskiyou LAFCo that the extension of wastewater service to 1107 Sawyers Bar Road is ministerial and would not have a significant impact on the environment and is therefore exempt from CEQA pursuant to Sections 15268(b)(4), 15300.1, 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, on August 22, 2022, the City of Etna City Council considered Mr. Potts' request to extend water service to 1107 Sawyers Bar Road prior to reaching its decision.

**NOW, THEREFORE BE IT RESOLVED** that the City of Etna City Council does hereby approve the request to extend water service to 1107 Sawyers Bar Road.

**BE IT FURTHER RESOLVED** that the City of Etna City Council requests approval of an out of areas service agreement from Siskiyou LAFCo so that it may extend water service to 1107 Sawyers Bar Road.

**IT IS HEREBY CERTIFIED** that the foregoing Resolution 2022-017 was duly adopted on a motion by JASON DEPPEN and seconded by BRANDON FAHRTZ

at a regular meeting of the City of Etna City Council held on the 22<sup>nd</sup> day of August 2022,  
by the following vote:

AYES: FLECK, FAWAZ, DEPPEN, MUNSON

NOES: KILMURE

ABSENT:

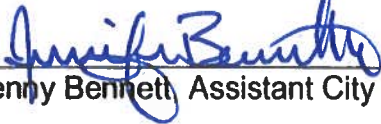
ABSTAIN:

CITY OF ETNA CITY COUNCIL



Cliff Munson, Mayor

WITNESS, my hand and seal this 22<sup>nd</sup> day of August 2022



Jenny Bennett, Assistant City Clerk