

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

June 10, 2025  
Agenda Item 5

June 10, 2026 (Agenda)

LAFCO 26-01 City of Brentwood – Emergency Out of Agency Service (OAS)  
8091 Lone Tree Way, Brentwood

**SYNOPSIS:** This is an emergency out-of-agency service (OAS) application submitted by the landowner to provide municipal sanitary sewer service to one parcel (0.67+ acres) (APN 018-140-003-7) as shown in Exhibit A. The parcel includes one single family home in the City of Brentwood. No change in land use is proposed. The parcel is within the City’s sphere of influence (SOI) and is not contiguous to the City’s boundary. The septic system is failing, and as a result, there is a public health issue as noted by Contra Costa County Environmental Health. Sanitary sewer service is limited to the subject parcel.

**DISCUSSION:** Statutory Framework - The Government Code (“GC”) and local LAFCO policies regulate the extension of out of agency service. GC §56133 states that “a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the Commission.” LAFCO may authorize a city or district to provide new or extended services under specific circumstances: a) outside the agency’s jurisdictional boundary but within its SOI in anticipation of a future annexation; or b) outside its jurisdictional boundary and outside its SOI in response to an existing or impending threat to the health and safety of the public or the residents of the affected territory.

LAFCO’s Policy - The Commission’s current policies regarding OAS are consistent with State law in that annexations to cities and special districts are generally preferred for providing municipal services. However, there may be situations where health and safety, emergency service, or other concerns warrant out of agency service. Historically, out of agency service is considered a temporary measure, typically in response to an existing or impending public health and safety threat (e.g., failing septic system, contaminated well), or in anticipation of a future annexation.

LAFCO policies contain the following provisions:

3) *Objective – OAS is generally not intended to support new development.*

The OAS service request is intended to serve one existing single-family home. The parcel is not contiguous to the City and cannot be annexed at this time. The City of Brentwood states that they will hold a public meeting on June 9<sup>th</sup> to discuss the application. The City Council will discuss and consider whether they will approve or deny the *Emergency Out of Agency Service* application. Subsequently, the June 10<sup>th</sup> LAFCO meeting agenda will also include the *LAFCO 26-01 – Emergency Out of Agency Service* application and the Commission will be asked to make a decision as to whether to approve, deny, or continue the matter.

4) *Out of Agency Service Policies: General Statements*

- a) *Annexation to cities and special districts involving territory located within the affected agency’s SOI is generally preferred to out of agency service.*
- b) *The subject parcel is not contiguous to the City’s boundary and cannot be annexed at this time.*

Analysis: The landowner/applicant notes that the existing septic system is not functioning as a long-term solution and currently requires septic pumping approximately every two weeks. A temporary holding tank has been installed as an emergency measure after the previous system failed, which is not a permanent or sustainable solution.

The applicant requests access to municipal wastewater service outside its jurisdictional boundary to serve the subject parcel (APN 018-140-003-7) totaling 0.67± acres within the City of Brentwood’s sphere of influence (SOI). The existing septic system LAFCO statutes allow LAFCO to authorize local agencies to extend services outside their jurisdictional boundary either in response to an existing or impending threat to the public health or safety, or in anticipation of an annexation. In addition, the existing septic system is not functioning as a long-term solution and County Environmental Health states that “you will need to contact the local sanitary district about connecting to sanitary sewer.” In this case, it’s the City of Brentwood. As of this writing, the City of Brentwood has not yet responded to LAFCO’s emails.

Regarding infrastructure and improvements, service will be provided from the existing sanitary sewer main located in the adjacent right-of-way adjacent to a four-inch main in proximity to the subject parcel on Lone Tree Way. The owner/applicant will be responsible for constructing the private wastewater system from the new home to the meter/backflow device in the street.

Environmental Review – In conjunction with the proposed OAS, LAFCO will file a Notice of Exemption (NOE) on behalf of the applicant.

Indemnification Agreement – The applicant has signed the LAFCO indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the out of agency service application.

### **ALTERNATIVES FOR COMMISSION ACTION**

LAFCOs were formed for the primary purpose of promoting orderly development through the logical formation and determination of local agency boundaries and facilitating the efficient provision of public services. The *Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000* provides that LAFCO can approve or disapprove with or without amendments, wholly, partially, or conditionally, a proposal. The statute also provides LAFCO with broad discretion in terms of imposing terms and conditions. The following options and recommended terms and conditions are presented for the Commission's consideration.

**Option 1**      Approve the attached resolution approving the extension of out of agency water service subject to the following:

Approve the attached resolution approving the extension of out of agency water service subject to the following:

- A.      The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, finds that the extension of wastewater service to APN 018-140-003-7 (0.67 acres) and is exempt from CEQA pursuant to Government Code section 15303(a) which is consistent with the determination.
- B.      The Commission finds, pursuant to Government Code section 56133(c), that the landowner/applicant provided LAFCO with documentation of a threat to the health and safety of the affected residents, in that if service is not extended to the parcel, the residents will not have a sanitary sewer service for their home.
- C.      The Commission authorizes the applicant to extend wastewater service outside the City's boundary due to lack of feasibility or a compliant septic solution.

**Option 2**      Deny the request, thereby prohibiting the City of Brentwood from providing OAS wastewater service to the subject parcel.

**Option 3**      Continue this matter to a future meeting to obtain more information.

**RECOMMENDATION:** Option 1 – Recommend Approval

Lou Ann Texeira  
LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LAFCO

### Exhibit

- A. Map of Subject Parcel

Attachment: Draft LAFCO Resolution 26-01

- 1. Draft LAFCO Resolution 26-01

cc: Solano Medina, Applicant

**RESOLUTION NO. 26-01**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
AUTHORIZING CITY OF BRENTWOOD TO PROVIDE  
OUT-OF-AGENCY WASTEWATER SERVICE TO 8091- LONE TREE WAY - BRENTWOOD**

**WHEREAS**, the above-referenced request was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (California Government Code Section 56000 et seq.); and

**WHEREAS**, at the time and in the manner required by law the Executive Officer gave notice of the Commission’s consideration of this emergency request; and

**WHEREAS**, the Commission heard, discussed, and considered all oral and written testimony related to this request including, but not limited to, the Executive Officer's report and recommendation; and

**WHEREAS**, out of agency service approval is needed to provide wastewater service to the subject property to a single-family home due to a public health emergency; and

**WHEREAS**, the applicant provided to LAFCO an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the out of agency service.

**NOW, THEREFORE, BE IT RESOLVED DETERMINED, AND ORDERED** by the Contra Costa Local Agency Formation Commission as follows:

- A. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, finds that the extension of wastewater service to APN 366-102-008 exempt from CEQA pursuant to Section 15303(a).
- B. The Commission finds, pursuant to Government Code section 56133, that the applicant provided the Commission with documentation of a threat to the health and safety of the affected residents of APN 018-140-003-7, in that if service is not extended to the parcel, the residents will not have wastewater services.
- C. The Commission authorizes the City of Brentwood to extend wastewater service outside its jurisdictional boundary to APN 018-140-003-7 subject to the following terms and conditions:  
Wastewater service and infrastructure is limited to serving the existing single-family home.
- D. Approval to extend City of Brentwood services is limited to one parcel as specifically noted herein.

\* \* \* \* \*

PASSED AND ADOPTED THIS 10<sup>th</sup> day of June 2026, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
GABRIEL QUINTO, CHAIR, CONTRA COSTA LAFCO

*I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.*

Dated: June 10, 2026

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Lou Ann Texeira, Executive Officer

# Potential Out-of-Agency Service Agreement for 018-140-003 (8091 Lone Tree Way)

