LAKE LOCAL FORMATION COMMISSION

MINUTES

July 17, 2019 Regular Meeting

**Members Present** **Staff Present**

Bruno Sabatier, Chair, County Representative John Benoit, Executive Officer

Moke Simon, Vice-Chair, County Member Marsha Birch, Legal Counsel

Stacy Mattina, City Member Kathleen Moran, Clerk

Ed Robey, Public Member

Suzanne Lyons, Public Member Alternate

Kenneth Parlet, City Alternate

Victoria Brandon, Special District Alternate

Absent: Tina Scott, County Alternate, Stan Archacki, Special Districts, Jim Scholz, Special Districts, Dirk Slooten, City Member.

Present: Ken Porter, Fletcher Thornton, Valley Oaks.

Joyce Overton, City of Clearlake.

Kirk Cloyd, Hidden Valley Lake CSD.

Scott Harter, LCSD.

**1. Call to Order**

Chairman Sabatier called meeting to order at 9:40 a.m. in the Council Chambers, City of Lakeport.

**2***.* **Election of Chair and Vice Chair for Fiscal Year 2019-2020**

Motion by Commissioner Simon, seconded by Commissioner Robey to nominate

Commissioner Bruno Sabatier as Chair of Lake County LAFCo for FY 2019-2020. Motion carried.

Motion by Commissioner Brandon, seconded by Commissioner Robey to nominate

Commissioner Moke Simon as Vice-Chair of Lake County LAFCo for FY 2019-2020. Motion carried.

**3. Approval of Minutes -** Motion by Commissioner Simon, seconded by Commissioner Robey to approve the Minutes of the May 15, 2019 Regular Meeting. Motion carried.

**4. Public Comment -** Chair called for a period of public comment. None were heard.

**5. Consent Agenda**

Motion by Commissioner Robey, seconded by Commissioner Brandon to approve Consent Agenda Items as follows: Review and authorize payment of expenses for May and June 2019. Motion carried**.**

**6.**  **Request from Kimco (Ken Porter) for the annexation of 147.14 acres more or less to the Hidden Valley Lake Community Services District (Assessor’s Parcels: 014-260-51 and 014-260-36) to receive water and wastewater services to serve the Valley Oaks Development on property located on the NE Corner of Hartmann Road and State Highway 29.**

EO made opening statement, reviewed the report in the Agenda Packet noting the purpose of the annexation is to provide safe and reliable domestic water and wastewater treatment/ collection services for the proposed 380 lot Valley Oaks Subdivision. He stated that the project has been in process for several years now. The County has approved the subdivision, a rezoning, a general plan amendment and a minor use permit for the project. EO recommended approval of the annexation with the terms and conditions contained in the Resolution.

Mr. Porter asked about the information in the Projected Population 2010 table (page 7 of the report) which shows a total build out population of 5,579. He stated that his number is closer to 1,000. Discussion was held on maximum number of lots and water usage at full build out. EO noted that if the project were to expand any further, it would have to come back to LAFCo for additional approval. EO stated that there is adequate water to serve the annexed development.

Mr. Porter stated that he concurs with the information in the report.

Commissioner Brandon asked about the Riparian Water Rights for this annexation area development in contrast to the Hidden Valley moratorium. Mr. Cloyd reviewed the water rights categories. He stated that the Valley Oaks Development has riparian water rights specific to Valley Oaks meaning the riparian water pumped is available to the Valley Oaks Development and they have an adequate supply.

As for Hidden Valley, Mr. Cloyd stated he is working with the State and is hopeful that by February of 2010 the moratorium will be lifted.

With regard to the Valley Oaks annexation Mr. Cloyd stated that an escrow account established in the name of the District will ensure that the Developer will pay for all annexation costs and that much of the District infrastructure is in place and ready for the developer to build out when needed.

Chairman Sabatier asked for confirmation from Mr. Cloyd that the Fire District was included in the discussions. Mr. Cloyd affirmed and further discussion was held on fire safety measures in place and in process. Pumps, tanks, and hydrant installation are all part of the developer’s costs.

Motion by Commissioner Simon, seconded by Commissioner Brandon to adopt **Resolution No**. **2019-0007** a Resolution Making Determinations and Approving the Annexation of 147.14 acres more or less to the Hidden Valley Lake Community Services District – LAFCo File 2019-02- Valley Oaks and authorize the Chairman to sign the Resolution.

AYES: Commissioners Robey, Simon, Mattina, Lyons. Parlet and Sabatier.

NOES: None.

ABSENT: Commissioners Slooten, Archacki, Scholz.

**7. Authorize Commissioners and staff to attend the CALAFCo Annual Conference in Sacramento (October 30, 2019 - November 1, 2019)**

Motion by Commissioner Mattina, seconded by Commissioner Simon to authorize Commissioners and staff to attend the CALAFCo Annual Conference to be held at the Hyatt Regency in Sacramento October 30, 2019 through November 1, 2019. Motion carried.

**8. Nomination for the CALAFCo Board of Directors 2019-2020. Nominate a County Member and/or a Special District Member to represent the CALAFCo Norther Region.**

Chairman Sabatier asks for interest or nominations from the Commission. None are heard.

**9. Select voting delegates to vote on behalf of Lake LAFCo at the CALAFCo Annual Conference.** Since not all Commissioners were in attendance, EO was directed to continue this item to the September meeting.

Other Business

**10**. **Review Service Review requirements and conduct a goal-setting workshop for Lake LAFCO with regards to Lake LAFCO’s role in orderly growth in Lake County and discuss the need and methods of achieving consolidations of various services**.

EO stated that this item pertains to the Commission’s role in overseeing the provision of efficient government services. EO strongly recommended that the cemetery districts be invited to a LAFCo meeting to discuss any problems or issues they are having. He stated that fire districts should be invited to appear at a future meeting as well as they will likely have updated issues or district concerns following the fires.

Commissioner Sabatier asked about water district MSR’s, noting that as a parent, he received a letter regarding water quality at his child’s school.

Discussion was held on MSR’s and prioritizing agencies. After consensus, EO was directed to begin with the cemetery districts, followed by water districts.

11**. Executive Officer’s Report (1 and 2 cover Agenda Item 15 – Correspondence)**

**1**. EO expressed concern regarding the Request for Review for Sufficiency for the Guenoc Valley Mixed Use Project sent out by the County Community Development Department. EO reviewed the comments he submitted to the agency on behalf of LAFCo. Commissioner Simon suggested contacting Principal Planner Byron Turner to request inclusion of LAFCo in future notifications and EO will be requesting a copy of the draft EIR.

**2**. EO reviewed his letter to Community Development Director, Kevin Ingram dated June 21, 2019 regarding the South Lakeport Annexation Project. Essentially the letter states that the proposed annexation is consistent with the Lakeport Sphere of Influence adopted by LAFCo on October 14, 2015. EO also requested a copy of the final EIR, the filed Notice of Determination, etc. for LAFCo’s records.

EO also reported on:

a. Lake County Lighting Districts MSR and SOI.

b. Policy Update

c. Upcoming LAFCo applications: Upper Lake Mobile Home Park, So. Lakeport,

Middletown Rancheria.

d. McDowell Annex to the Callayomi Co. Water District and the Clearlake Oaks- Paradise Valley CSA-completed.

**12. LAFCo Counsel’s Report –** nonew information.

**13. LAFCo 101 presentation by LAFCo staff – Part 2** Continued for presence of newer Commission members not in attendance today.

**14. Commissioner Reports**

Chairman Sabatier expressed concern with the Walker Ridge Wind Farm project and asked EO if LAFCo would have any input in the project. EO noted that the project is on BLM land and it is a BLM project which does not have to involve LAFCo. If the project were on private land, it would require LAFCo oversight. Commissioner Brandon noted they did hold a scoping workshop which was well attended.

**15. Correspondence**. See Item 11 above.

11:05 a.m. Meeting adjourned. Next regular meeting Wednesday September 18, 2019 in Clearlake.

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kathleen Moran, Clerk