

**Lake Local Agency Formation Commission**

**Regular Meeting Agenda**

**July 17, 2019 -- 9:30 am**

**City of LAKEPORT**– City Council Chambers  
225 Park Street Lakeport, California

Website: [www.lakelafco.org](http://www.lakelafco.org)

***"Lake LAFCo oversees orderly development and protects natural resources and agricultural lands"***

**Commissioners**

**Commission Alternate Members**

Dirk Slooten, (City)

Victoria Brandon (Spec. District Alternate)

Stan Archacki, (Special Dist.)

Suzanne Lyons (Public Alternate)

Jim Scholz (Special District)

Tina Scott (County Alternate)

Ed Robey, (Public Member)

Kenneth Parlet (City Alternate)

Moke Simon, Vice Chair (County)

Bruno Sabatier Chair (County Member)

Stacey Mattina (City)

**Staff**

John Benoit, Executive Officer

P. Scott Browne, Legal Counsel

Kathleen Moran, Clerk-Analyst

1. **Call to Order – Roll Call**
2. **Election of Chair and Vice Chair for Fiscal Year 2019-2020**
  - a. *Elect a Chair.*
  - b. *Elect a Vice-Chair*

3. **Approval of Minutes – May 15, 2019**

*Action: Approve May 15, 2019 minutes*

4. **Public Comment.**

This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered.

**5. Consent Agenda**

- a. *Review and authorize payment of expenses for May and June 2019*

**6. A 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: 014-260-54 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.**

- a. *Consider Resolution 2019-0007 a resolution approving an annexation of 147.14-acres more or less to the Hidden Valley Lake Community Services District for domestic water and wastewater services.*

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

- a) *Authorize Commissioners and Staff to attend the CALAFCo Annual Conference.*

**8. Nomination for the CALAFCo Board of Directors 2019-2020. Nominate a County Member (and) or a Special District Member for the CALAFCo Northern Region.**

- a. *Nominate a County and (or) a Special District Member to the CALAFCo Board of Directors*

**9. Select voting delegates to vote on behalf of Lake LAFCo at the CALAFCo Annual Conference.**

- a) *Select a voting delegate and a voting delegate alternate to vote on behalf of Lake LAFCo at the CALAFCo Annual Conference in Sacramento.*

**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.**

- a) *An item continued from the January 16<sup>th</sup> and March 20<sup>th</sup>, 2019 LAFCo meetings to seek further input from LAFCo Commissioners regarding this matter.*

**11. Executive Officer's report.**

- a. Lake County Lighting Districts MSR and SOI
- b. Policy Update
- c. Upcoming LAFCo applications: Upper Lake Mobilehome 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**

**13. LAFCo 101 presentation by LAFCo Staff- Part 2 (a general overview of LAFCo – Time permitting)**

**14. Commissioner Reports**

*This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters.*

**15. Correspondence: Guenoc Valley Mixed Use Project and South Lakeport Annexation**

**16. Adjourn to LAFCO's next regular meeting: Wednesday September 18<sup>th</sup>, 2019 in Clearlake.**

*The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.*



**Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1**

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

matter jurisdiction.

- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 5 minutes. Time to address the Commission will be allocated on the basis of the number of requests received.

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection at the City of Lakeport and City of Clearlake Community Development Departments office located at City Hall in Lakeport and Clearlake [such documents are also available on the Lake LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting. The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Lake LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff LAFCO staff may be contacted at (707) 592-7528 or by mail at Lake LAFCO c/o John Benoit, Executive Officer P.O. Box 2694, Granite Bay, CA 95746 or by email at [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com). Agenda packets are located on the Lake LAFCO Webpage at [www.lakelafco.org](http://www.lakelafco.org)



LAKE LOCAL FORMATION COMMISSION  
MINUTES  
May 15, 2019 Regular Meeting

**Members Present**

Bruno Sabatier, Chair, County Member  
Moke Simon, Vice-Chair, County Member  
Stan Archacki, Special Districts  
Jim Scholz, Special Districts  
Stacy Mattina, City Member  
Dirk Slooten, City Member  
Ed Robey, Public Member  
Victoria Brandon, Special District Alternate

**Staff Present**

John Benoit, Executive Officer  
Scott Browne, Legal Counsel

Absent: Tina Scott, County Alternate  
Suzanne Lyons, Public Member Alternate  
Kenneth Parlet, City Alternate

**1. Call to Order**

Chairman Sabatier called meeting to at 9:30 a.m. in the Council Chambers, City of Clearlake.

**2. Approval of Minutes** - Motion by Commissioner Simon, seconded by Commissioner Scholz to approve the Minutes of the March 20, 2019 Regular Meeting. Motion carried.

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

**4. Consent Agenda**

Motion by Commissioner Robey, seconded by Commissioner Mattina to approve Consent Agenda Item as follows: Review and authorize payment of expenses for March and April 2019 in the amount of \$17,460.96. Motion carried.

**5. Lake LAFCo Public Member Selection for a term ending in May 2023**

It was moved by Commissioner Mattina and Seconded by Commissioner Simon to appoint Ed Robey to LAFCo for a term ending in May 2023. Motion carried by the following special district, city and county members by the following vote:

AYES: Commissioners Mattina, Simon, Slooten, Scholz, Archacki, and Sabatier.

NOES: None.

ABSENT: None.

6. **Request from Carol McDowell to annex 10.72 acres more or less to the Callayomi County Water District (Assessor's Parcel: 014-131-330) to receive domestic water services on property located at 21653 SR 29 in Middletown.**

Executive Officer Benoit presented the Staff Report for the aforementioned annexation to the Callayomi County Water District. It was further clarified no new fire hydrants would be required since there is no water line extension as part of this project. Carol McDowell currently has Callayomi County Water District water serving her property.

Motion by Commissioner Slooten seconded by Commissioner Simon to approve LAFCo Resolution 2019-0005 thereby annexing 10.72 acres to the Callayomi County Water District. Resolution passed and adopted by the following vote:

AYES: Commissioners Mattina, Robey, Simon, Slooten, Scholz, Archacki, and Sabatier.  
NOES: None.  
ABSENT: None.

7. **PUBLIC HEARING: Continue Public Hearing for the Valley Oaks Annexation to the Hidden Valley Lake CSD until LAFCo's July 17, 2019 meeting in Lakeport City Hall at 9:30 AM**

Executive Officer explained the item needed to be continued due to noticing requirements. Kimco, LLC has agreed to the continuance. The item will be heard at the July 17<sup>th</sup> LAFCo meeting.

The Commission concurred by placing this item on the July 17, 2019 LAFCo Agenda for consideration.

8. **PUBLIC HEARING: Review and Consider Lake LAFCo's final Budget for FY 2019-2020**

Chair declared time for Public Hearing to Review and Consider Lake LAFCo's Final Budget for FY 2019-2020.

EO reviewed the final budget, which is the same as proposed FY 2019-2020 budget adopted by the Commission at the March 2019 LAFCo meeting.

Discussion was held on the Calafco Annual Conference that will be held in Sacramento this year. All agreed that as many members as possible should attend since it's close to home this year. This decision will take place at the July 2019 LAFCo meeting.

The chair opened the Public Hearing. There were no comments from the public. Chair closed hearing.

Motion by Commissioner Robey, seconded by Commissioner Slooten to adopt Resolution No. 2019-0006, A Resolution of the Lake Local Agency Formation Commission Adopting a Final Budget for FY 2019-2020 in the amount of \$204,978.00 of which \$124,978.00 is to be

apportioned to the Cities, Districts and the County and authorize the Chair to sign. Resolution passed and adopted by the following vote:

AYES: Commissioners Mattina, Robey, Simon, Slooten, Scholz, Archacki, and Sabatier.

NOES: None.

ABSENT: None.

9. **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.**

This item continued from the January 16<sup>th</sup>, March 20<sup>th</sup> and May 15<sup>th</sup>, 2019 LAFCo meetings to seek further input from LAFCo Commissioners regarding this matter.

LAFCo should become more proactive regarding problems facing districts. For example, Fire District issues such as funding, insurance, staffing, unfunded PERS liability, wildfire management and capability, Healthcare districts are sufficiently reimbursed from state and feds to survive, for example, Medicare. Commissioner Slooten suggested perhaps LAFCo should look into Cemetery Districts at the next meeting. Commissioner Sabatier suggested looking at the minutes regarding this item from the January and March LAFCo meetings. Staff suggested an action plan to review fire districts or cemetery districts. Staff will prepare a one page report on the problem for discussion for the next meeting.

10. **Legislation: Oppose AB-600, a repeat of SB 1318 which Calafco opposed in 2016 re: Disadvantaged Communities and water and wastewater facilities.**

Executive Officer Benoit presented letter of opposition to the Commission.

Upon motion of Commissioner Mattina and Seconded by Commissioner the Commission authorized the chair to sign a letter in opposition to AB-600. Motion carried

11. **Consider a two-month extension until May 15, 2019 for LAFCo Project 2015-0005 (LAFCo Resolution 2016-0003) Paradise Valley Annex to the Clearlake Oaks County Water District.**

EO explained that there is still an item that needs to be addressed prior to finalizing this reorganization.

Motion by Commissioner Mattina seconded by Commissioner Simon to approve extension until July 17, 2019 for LAFCo Project 2015-0005 (LAFCo Resolution 2016-0003) Paradise Valley Annex to the Clearlake Oaks County Water District. Motion carried.

12. **Executive Officer's Report**

- a. Lake County Lighting Districts MSR and SOI – in process.
- b. Policy Update
- c. Upcoming LAFCo applications: Upper Lake Mobile Home Park, South Lakeport and Middletown Rancheria/CCWD.
- d. LAFCo applications received: Valley Oaks Annex to the Hidden Valley Lake CSD will be on the July 17, 2019 agenda
- e. Status of transition of LAFCo finances from County to the City of Clearlake. The issues have largely been resolved.
- f. Calafco Staff Workshop in San Jose. Staff presented an overview of the Calafco Staff Workshop

**13. LAFCo Counsel's Report - No new information.**

**14 LAFCo 101 presentation by LAFCo Staff- Part 1** (a general overview of LAFCo)

Part 1 of a power point presentation regarding LAFCo was given by Scott Browne and John Benoit. Part 2 will be discussed at the July 17<sup>th</sup> LAFCo meeting.

**15. Commissioner Reports – No reports given.**

**16. Correspondence.**

The Commission received an article from the Special District's Magazine regarding Districts and LAFCo

Adjourned to **Closed Session**

**17. Subject: Employee Performance Evaluation March 2018 – May 2019**

**Title: LAFCO Executive Officer**

No reportable action was taken

**18. Adjourn to LAFCO's next regular meeting: Wednesday July 17, 2019 in Lakeport.**

11:44 a.m. Meeting adjourned. Next regular meeting Wednesday **July 17, 2019 in Lakeport.**

By: \_\_\_\_\_  
John Benoit, Executive Officer

# Lake Local Agency Formation Commission

#5

## CLAIMS

June and July 2019

### Expenses for FY 2018-2019:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
4.16.19-5.15.19	Browne Legal	\$ 1,837.00
May 15, 2019	Meeting Stipend	\$ 480.00
June 1, 2019	Staff Svcs May 2019	\$ 4,597.67
5.16. 2019- 6.15.19	Browne Legal	\$ 525.00
July 1, 2019	General Staff Svcs June 19	\$ 4,597.67
July 1 2019	June Lighting Dist MSR	\$ 3,950.00
July 1, 2019	Staff Svcs Spec Proj June 2019	\$ 2,000.00
TOTAL:		\$ 17,987.34

### Expenses for FY 2019-2020

July 1, 2019	Calafco Dues for FY 2019-2020	\$ 1,075.00
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DATED: July 17, 2019

APPROVED: July 17, 2019

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Chair or Vice Chair  
Lake Local Agency Formation Commission

Attest:

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John Benoit  
Executive Officer

Amount Budgeted	Comm Stipend Supplies	Membership Books & Permits	Attorney Services	LAFCO Clerk	Office Stipend	Staff Svcs	Legal Notices	Trans Travel	Court Regs	Gen Reserve	Contingency	Insurance	GIS Mapping	Webpage	Auditor	SOI	MSR
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79
2018-2019 Approved Budget	880,011-12	880,22-70	880,23-72	880,23-72	880,23-72	880,23-72	880,24-00	880,24-00	880,24-00	880,23-78	880,23-80	880,23-80	880,23-80	880,23-80	880,23-80	880,23-79	880,23-79</

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**LAKE LAFCO****Executive Officer's Report****July 17, 2019**

**TO:** Lake Local Agency Formation Commission  
**FROM:** John Benoit, Executive Officer  
**SUBJECT:** Valley Oaks Annex to the HVLCSD (LAFCo file 2019-0002)

**EXECUTIVE OFFICER'S RECOMMENDATIONS:** Adopt the proposed Resolution (Resolution 2019-07 (see attachment #1)) approving an annexation of a 147.14-acre area to the Hidden Valley Lake Community Services District subject to the recommended terms and conditions.

**Suggested Motions:**

*I move to adopt proposed Resolution No. 2019-0007 approving the Valley Oaks annexation of 147.14 acres to the Hidden Valley Lake Community Services District, subject to recommended terms and conditions.*

**I. BACKGROUND:**

**A. Summary:**

Valley Oaks, Kimco LLC, has filed an application for annexation of 147.14 acres more or less to the Hidden Valley Lake Community Services District on property located territory located at the NE Corner of Hartmann Road and State Highway 29 known as 014-260-51 & 014-260-36.

The purpose of this annexation is to provide a safe and reliable domestic water supply and wastewater treatment and collection services for a proposed 380 lot subdivision known as the Valley Oaks Subdivision. This proposal is a logical expansion of the Hidden Valley Lake Community Services District (HVLCSD) as expressed by LAFCo in a 2017 Sphere of influence update adopted by LAFCo This annexation consists of approximately 147.14 acres more or less of territory.

The County has approved a 380-lot subdivision, a rezoning, a general plan amendment and a minor use permit

Government Code Section 56662 allows the Commission to make determinations for uninhabited territory without notice and hearing provided there is 100 percent landowner consent. This proposal qualifies since Kimco owns 100 percent of the land to be annexed and LAFCo has not received any written demand for a public hearing. In addition the parcel is in the Hidden Valley Lake CSD District (HVLCSD) sphere of influence and water and wastewater conveyance infrastructure is (or will be) available to the site.



Staff recommends that Lake LAFCo approve this annexation subject to the terms and conditions stated in proposed Resolution and 2019-0007.

## **B. Proposal and Justification:**

This proposal is to annex 147.14 acres more or less into the Hidden Valley Lake Community Services District to provide safe and reliable water and wastewater service.

A development called Valley Oaks has been proposed on 147 acres of land adjacent to the Hidden Valley Lake subdivision with frontage along Hartmann Road and State Route 29. The mixed-use development would involve the construction of 55 and older residential development, commercial and open space/park uses.

The proposal includes 380 detached, single-family residences on 103 acres, a community commercial "village" of 43.18 acres<sup>1</sup> to provide a full range of goods and services to meet the needs of the area, land for a residential care facility or assisted living facility for seniors is envisioned, multi-residential housing for seniors, and an integrated park and trails system with 35% of the site as open space.<sup>2</sup>

The proposed Valley Oaks project would be developed in phases as follows:<sup>3</sup>

- 1) The commercial component consists of six parcels, five "commercial Village" parcels and on residential care facility parcel.
- 2) The residential portion of the project would be developed in six phases:
  - Phase I: Lots 1-73.
  - Phase II: Lots 47-117, Lots 138-140, Lots 303-324.
  - Phase III: Lots 118-137, Lots 141-170, Lots 321-324.
  - Phase IV: Lots 201-250.
  - Phase V: Lots 171-200, Lots 251-271, Lots 335-352.
  - Phase VI: Lots 272-302, Lots 353-380.

## **Water Supply**

The proposed project would obtain water service from the Hidden Valley Lake Community Services District, which provides drinking water meeting all State and Federal standards. The project would tie into the existing water system that serves the Hidden Valley Lake subdivision. The project would be served through HVLCSD's Zone 4, which consists of 6-inch to 12-inch pipelines.

The project would be served via the existing 12-inch main that passes through a secured easement on the grounds of the Coyote Valley Elementary School at the project's southeastern boundary. The project's commercial uses would be supplied via 12-inch pipelines and all residential uses would be supplied via 8-inch pipelines. The HVLCSD has indicated that it would be required to add a new storage tank with a capacity of 500,000 gallons in order to provide adequate water supply and pressure for municipal

<sup>1</sup> Lake County, Valley Oaks Planned Development Draft Environmental Impact Report, December 2008, Page 2.0-1.

<sup>2</sup> Lake County Community Development Department, Notice of Draft Environmental Impact Report, November 26, 2008.

<sup>3</sup> Lake County, Valley Oaks Planned Development Draft Environmental Impact Report, December 2008, Page 3.0-4.

use and fire protection for the proposed project. The tank would be constructed on (previously disturbed) HVLCSO property.

The District received a letter from the State Water Resources Control Board approving the provision of drinking water to "the proposed Subdivision so long as the source of supply for the Subdivision is from the water source to which the Subdivision property has a riparian right."<sup>4</sup>

The average gallons per day per equivalent dwelling unit (gpd/EDU) demand is 473 gallons per day or 1,168,310 gpd. The maximum pumping capacity is 18.65 mgd. The district has the remaining capacity to serve the 330 vacant lots, which would result in an additional 156,750 gpd leaving remaining capacity of 539,940 gpd. District water supply will need to be augmented to accommodate the Valley Oaks Development.

A water supply assessment was prepared for the Hidden Valley Lake CSD in 2008 which concluded it has sufficient water supplies to meet the projected demand of the Valley Oaks project in addition to the demand of its existing community and other anticipated future water users within its service area boundaries for the 20 year period from 2007-2028 under normal, single dry and multiple dry water years<sup>5</sup>.

#### Wastewater Facilities

The proposed Valley Oaks project would tie into the existing Hidden Valley Lake Community Services District (HVLCSO) wastewater conveyance system and treatment facility and ties into an 18-inch sewer line in Coyote Valley Road. The existing system also provides reclaimed water to the Hidden Valley Lake Golf Course and may also provide reclaimed water to the project's landscaping and non-potable water demands.

The project would tie into the existing 18-inch main that runs through a secured easement on the grounds of the Coyote Valley Elementary School. The project's wastewater flows would be conveyed by gravity flow to the pump station off of Hartmann Road and ultimately pumped in on an easterly direction to the wastewater treatment plant located on Grange Road, approximately 1.5 miles from the project site.

The existing treatment facility became operational on February 15, 1996 and includes an activated sludge-extended aeration plant with an average monthly dry weather flow of 0.350 million gallons per day (mgd) and a peak wet weather flow of 0.894 mgd.<sup>6</sup> The District reports the following:<sup>7</sup>

Annual Average Dry Weather Flow:	0.198 mgd
Annual Average Wet Weather Flow:	0.278 mgd
Peak Flow:	0.771 mgd
Capacity:	0.894 mgd

<sup>4</sup> State Water Resources Control Board, Division of Drinking Water, Letter to Hidden Valley Lake Community Services District, July 3, 2015.

<sup>5</sup> Valley Oaks Water Supply Assessment, Hidden Valley Lake CSD, December 2008.

<sup>6</sup> California Regional Water Quality Control Board Central Valley Region Order No 5-00-019, Waste Discharge Requirements for Hidden Valley Lake Community Services District, Hidden Valley Lake Association, Hidden Valley Lake Water Reclamation Facility, Lake County.

<sup>7</sup> Lake LAFCo, Hidden Valley Lake CSD Questionnaire, 2017.

The system is operating below capacity for both dry and wet weather flows at present. The wastewater system capacity will need to be augmented to accommodate the Valley Oaks Subdivision.

In 1983 the Lake County Board of Supervisors, acting as the LAFCo Conducting Authority, approved Resolution 83-350 forming the Hidden Valley Lake Community Services District for the "purposes of maintaining and constructing public improvements, namely sewer and water services within the boundaries of the District." The Hidden Valley Lake CSD (HVLCSO) remains within the Lake County Sanitation (LACOSAN) district boundary, creating a conflict whereby two districts could provide the same type of services. The HVLCSO was never detached from LACOSAN. In 2013 the LACOSAN Sphere of Influence was amended by LAFCo to exclude the Hidden Valley Lake Sphere Area. Therefore, signaling the HVLCSO is the preferred provider for wastewater service. At some point the Entire Hidden Valley Lake Sphere of Influence area should be detached from LACOSAN.

The County prepared and circulated its proposed EIR, which was certified on June 25, 2015, which was filed on July 13, 2015 (see attachment #2 EIR posted on the LAFCo Website, attachment #3 CEQA Mitigations, Findings of Fact and Statement of Overriding Considerations; and attachment #4 - Notice of Determination).

**C. Location:**

The property is located at the NE Corner of Hartmann Road and State Highway 29 known as 014-260-51 & 014-260-36. Physical Address: 18196 and 18426 South State Highway 29, Middletown, CA

**D. Purpose:**

The purpose of this annexation into Hidden Valley Lake Community Services District is for safe and reliable water supply and sanitary sewer for the Valley Oaks subdivision.

**II. ANALYSIS**

**A. Accepted for filing:** April 10, 2019

**B. Publication and Posting:** April 10, 2019

**C. Compliance with CEQA:**

Lead Agency:	Lake County
Responsible Agency:	Lake LAFCO
Environmental Finding:	Environmental Impact Report
Date of Finding:	July 13, 2015

**D. Compliance with applicable Plans:**

The proposed annexation conforms to the Lake County General Plan and Zoning Ordinance, as amended.

**E. Compliance with applicable Spheres of Influence:**

The proposed annexation is compliance with the HVLCSO Sphere of Influence as adopted on September 20, 2017.

**F. Existing Land Use and Zoning:**

- LAND USE DESIGNATION: Community Commercial, High Density Residential, Low Density Residential and Resource Conservation
- ZONING: Planned Development Commercial-Design Review Combining District, Planned Development Residential-Residential Design Combining District and Open Space
- DWELLINGS: none
- POPULATION: 0.
- REGISTERED VOTERS: LESS THAN 12

**G. LANDOWNER(S):** Kimco Development c/o Ken Porter  
P.O. Box 7129  
Santa Rosa, CA 95407

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**H. Existing Land Use and Zoning for surrounding territory:**

The current land use for the Valley Oaks parcel is vacant. Proposed is Single-Family Residential subdivision consisting of 380 lots and commercial development.

- North: Residential and Golf Course
- South: Hartmann Rd and Putah Creek
- East: Hidden Valley Subdivision commercial area and school
- West: State Highway 29 commercial properties and Putah Creek

**I. Proposed development:** 380 lot subdivision and commercial development

**J. Fiscal data:** There will be no property tax change for base property tax and incremental property tax for the territory to be annexed to the HVLCSO as stated in Lake County Resolution 2019-33

**K. Existing and Proposed Service Agencies:**

<b>Service:</b>	<b>Existing Provider:</b>	<b>Proposed Provider:</b>
School Districts	Middletown School Dist	Same
Fire Protection	South Lake County Fire Protection District	Same

General Government	Lake County	Same
Police Protection	Lake County Sheriff	Same
Off-site Drainage and Flood Control	Lake County	Same
On-site Drainage and Flood Control	Lake County	Same
Water and Wastewater	Wells Lacosan/Septic	HVLCSD HVLCSD
Street Lighting	None	None
Roads	Lake County	Same
Emergency Services	South Lake County Fire Protection District	Same

### **III. POLICY ANALYSIS - Annexation**

#### **1. GOVERNING LAW**

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding annexations, incorporations, reorganizations, and other changes of government. Section 56668 of the Government Code states the following:

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.  
"Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.
- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns, of urban development, and the policies and priorities set forth in Section 56377.

- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) Consistency with city or county general and specific plans.
- (h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- (i) The comments of any affected local agency.
- (j) The ability of the newly formed or receiving entity to provide the services which area the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5
- (l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7.
- (m) Any information or comments from the landowner or owners.
- (n) Any information relating to existing land use designations.

These factors will be reviewed with regard to the annexation of the Valley Oaks Subdivision to the HVLCSO.

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

The 2010 US Census reported that Hidden Valley Lake had a population of 5,579 an increase from the Census of 2000, when there were 3,777 people. There were 2,119 households, out of which 752 (35.5%) had children under the age of 18 living in them, 388 households (18.3%) were made up of individuals and 138 (6.5%) had someone living alone who was 65 years of age or older. The average household size was 2.63. There were 1,590 families (75.0% of all households); the average family size was 2.98.

The population was spread out in age as follows:

HIDDEN VALLEY LAKE POPULATION 2010		
AGE	NUMBER	PERCENT
Under the age of 18	1,400 people	25.1%
Aged 18 to 24	296 people	5.3%
Aged 25 to 44	1,413 people	25.3%
Aged 45 to 64	1,706 people	30.6%
65 years of age or older	<u>764 people</u>	<u>13.7%</u>



TOTAL 5,579 people 100.0%

The median age was 41.2 years. For every 100 females there were 97.2 males. For every 100 females age 18 and over, there were 95.8 males.

There were 2,597 housing units of which 1,687 (79.6%) were owner-occupied, and 432 (20.4%) were occupied by renters. The homeowner vacancy rate was 6.1%; the rental vacancy rate was 8.2%. There were 4,274 people (76.6% of the population) living in owner-occupied housing units and 1,301 people (23.3%) living in rental housing units.

- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.
- "Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

There is a need for organized community services to serve the growth that will come to Southern Lake County in the next several decades. The annexation to existing special districts is a good way to provide for these services.

- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

The Community of Hidden Valley Lake is an unincorporated community of around 5,735 people in 2017 slightly higher than the 5,575 in 2010.

The effect of the proposed annexation to the Hidden Valley Lake Community Services District will be a benefit to the District and to the adjacent area. The addition of homes to the District will help to provide economies of scale to the District.

- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns, of urban development, and the policies and priorities set forth in Section 56377.

The adopted Commission policies are examined below. The proposal will have a beneficial effect on patterns of urban development.

- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

The land proposed for annexation has not been farmed in several years. A horse ranch was the last agriculturally related business in the area. Lands to the south across Putah Creek, are the nearest agricultural lands to the Valley Oaks site.

- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership,

the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The boundaries are definite and certain. The land will adjoin other land in the Hidden Valley Lake Community Services District.

(g) Consistency with city or county general and specific plans.

The proposed development is consistent with the Lake County General Plan, as amended

(h) The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.

The proposal is consistent with the Sphere of Influence for the Hidden Valley Lake Community Services District. This proposal does not conflict with the Sphere of Influence of any other district.

(i) The comments of any affected local agency.

The South Lake County Fire Protection District provided a letter of support for this project and recommends fire hydrants be installed every 500 feet as the lands develop (see attachment #5).

(j) The ability of the newly formed or receiving entity to provide the services which area the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The Hidden Valley Lake Community Services District has the ability to provide the wastewater and water services to Valley Oaks provided modifications are made to existing facilities.

(k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5

Water will be available from the Hidden Valley Lake Community Services District for the proposed development as stated in the water supply analysis.

(l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7.

The proposed development will assist Lake County in meeting the fair share of the regional housing need as assigned to the County.

(m) Any information or comments from the landowner or owners.

None reported

(n) Any information relating to existing land use designations.



The proposed project conforms to the Lake County General Plan. The land use designation is both Residential and Commercial mixed-use development.

## **2. LAKE LAFCO POLICY**

The following analysis is provided as a guide for the Commission to consider. This proposal complies with applicable legal and policy requirements, as summarized below:

### **LAFCO Policy 2.1. Communication Between Local Agencies**

The local agencies are involved in approval of each project by the County Planning Commission and are again notified of any proposed LAFCO actions. The local agencies have provided conditions of approval for the proposed subdivision, which will be enforced by the County.

### **LAFCO Policy 2.2. Urban Development**

The proposed project will not result in a change in the Hidden Valley Lake Community Development Area of the Lake County General Plan. This area will be provided with appropriate urban services.

### **LAFCO Policy 2.3. Discouraging Urban Sprawl**

The proposed project will provide lots, which will be served with the Hidden Valley Lake Community Services system. This will be a more compact development than would be the case if the houses were on individual wells and septic systems as previously envisioned. There are no sites available within the existing district to accommodate a 380-lot subdivision.

### **LAFCO Policy 2.4. Environmental Consequences (CEQA)**

The Lake County Planning Commission and Board of Supervisors approved an EIR for this project.

### **LAFCO Policy 2.5. Balancing Jobs and Housing**

The proposed project will provide housing. The construction of the houses will provide some jobs as well being a mixed use development.

### **LAFCO Policy 2.6. Compact Urban Form and Infill Development Encouraged**

The proposed project will provide lots, which will be served with the Hidden Valley Lake Community Services District water and sewer systems. This will be a more compact development than would be the case if the houses were on individual wells and septic systems.

### **LAFCO Policy 2.7. Public Accessibility and Accountability**

The Hidden Valley Lake Community Services District Board of Directors holds regular public meetings. The Directors are elected and are accountable to the voters. The State regulates the services provided by the District.

**LAFCO Policy 2.8. Adequate Services**

The Hidden Valley Lake Community Services District has the ability to provide adequate services to the proposed area for annexation.

**LAFCO Policy 2.9. Efficient Services**

The proposed project will become part of the existing district, which will promote efficient services rather than forming a new district in the Sphere of Influence or other method of providing the services.

**LAFCO Policy 2.10. Community Impacts**

The community impacts will be beneficial from the proposed annexation because the development will have the appropriate services and is a logical extension of the existing district.

**LAFCO Policy 2.11. Conformance With General and Specific Plans**

The proposed project conforms to the Lake County General Plan, as amended.

**LAFCO Policy 2.12. Boundaries**

The boundaries of the proposed annexation are definite and no lines of assessment are split.

There are no split lines of assessment.

**LAFCO Policy 2.13. Revenue Neutrality**

The proposed annexation will not take revenue from any other special district or the County. The County approved a Property Tax exchange resolution stating no property tax will be changed for base property tax and incremental property tax for the territory to be annexed to the HVLCSO as stated in Lake County Resolution 2019-33. New district connections will be fee supported.

**LAFCO Policy 2.14. Agricultural and Open Space Land Conservation**

As noted in Lake LAFCO's Policies, "Among LAFCO's core purposes is preservation of open space and prime agricultural land. (Policy 2.14.) The policy goes on to state that The Commission will exercise its powers to conserve prime agricultural ("ag") land as defined in Section 56064 of the Government Code."

The Valley Oaks annexation project is not located on land meeting the LAFCO definition of prime agricultural land as stated in Gov Code Section 56064.

**LAFCO Policy 2.16. Exceptions**

No exceptions to the Lake LAFCO policies are requested. The proposed annexation conforms to the Lake LAFCO policies. See discussion above regarding LAFCO Policy 2.14 Agricultural Land and Open Space Conservation where based on the analysis Prime agricultural land is being converted. However, there is a demonstrated need to convert agricultural lands that have been planned and zoned for large lot residential development for 17 years.

**3. LAFCO POLICIES REGARDING ANNEXATIONS**

Lake LAFCO has adopted the following policies regarding annexations:

***LAFCO POLICY 4.1.a)******Consistency with LAFCO Policies.***

The proposed annexation to Hidden Valley Lake Community Services District is consistent with Lake LAFCO policies.

***LAFCO POLICY 4.1.b)      Consistency with Spheres and Master Service Element.***

The annexation to Hidden Valley Lake Community Services District is consistent with the Sphere of Influence.

***LAFCO POLICY 4.1.c)      Plan for Services Required.***

The services plan is outlined in the environmental impact report for this project. Water and Wastewater services are to be provided by the HVLCSO. The EIR services section constitutes the district's requirements for this annexation.

***LAFCO POLICY 4.1.d)      Contiguity.***

The proposed annexation is contiguous to the Hidden Valley Lake Community Services District.

***LAFCO POLICY 4.1.e)      Piecemeal Annexation Prohibited.***

The proposed annexation is the entire Valley Oaks subdivision.

***LAFCO POLICY 4.1.f)      Annexations to Eliminate Islands.***

N/A

***LAFCO POLICY 4.1.g)      Annexations that Create Islands.***

The proposed annexation does not eliminate or create islands.

***LAFCO POLICY 4.1.h)      Service Requirements.***

The Hidden Valley Lake Community Services District can provide the services required and services to be provided will meet the HVLCSO requirements.

***LAFCO POLICY 4.1.i)      Adverse Impact of Annexation on other Agencies or Service Recipients.***

The proposed annexation to Hidden Valley Lake Community Services District will have no adverse impact on other agencies or existing service recipients.

***LAFCO POLICY 4.2.      Determination of the Most Efficient Service Provider***

The Hidden Valley Lake Community Services District is the most efficient service provider for water services.

***LAFCO POLICY 4.2.a)      Optimum Combination of Service and Cost.***

The Hidden Valley Lake Community Services District is the most efficient provider of these services in this area.

**LAFCO POLICY 4.2.b) "Affected Population" Defined.**

This policy states the following:

*For purposes of this standard, "affected population," means any of the following:*

- i) The population, which inhabits or will inhabit the area to be annexed.*
- ii) The population already being served by the annexing agency.*
- iii) The population of existing or potential alternative service providers.*

The affected population are the future inhabitants of the subdivision. These people will benefit from being part of Hidden Valley Lake Community Services District. The population already being served by Hidden Valley Lake Community Services District will not be adversely affected from this annexation since the district will require additional capacity as necessary.

**LAFCO POLICY 4.2.c) Factors to Be Considered.**

There are six factors to be considered and the proposed annexation meets all of these factors as follows:

- i) The territory is physically accessible to the Hidden Valley Lake Community Services District.
- ii) The Hidden Valley Lake Community Services District has the resources to provide the services including financial resources.
- iii) The Hidden Valley Lake Community Services District has historically been a good service provider to the residents.
- iv) The Hidden Valley Lake Community Services District is the appropriate service provider and the Board of Directors will be accountable to the voters.
- v) The legislative policy of the Cortese-Knox-Hertzberg Act favors a single multi-service provider and in this case the Hidden Valley Lake Community Services District is the best alternative and provides an appropriate fee for service method of financing.
- vi) There will be no adverse effect on other service providers and there is no other service provider for these specific services.

**LAFCO POLICY 4.2.d) LAFCO Responsibility for Determination.**

This policy states that "LAFCO shall determine the most efficient overall service provider or combination of providers, not the affected agencies."

Although there are many service providers in Lake LAFCO has determined that the most efficient way to provide for these services is to use special districts. The proposed annexation to Hidden Valley Lake Community Services District is a logical and efficient way to provide for water service.

**IV. Comments from the public and public agencies.**

None received.

## **V. ALTERNATIVE ACTIONS BY THE COMMISSION**

The Commission has the following alternatives for action after closure of the Public hearing:

Alternative #1 Approve the Annexation to the HVLCSO with the conditions, findings and determinations contained in the adopting resolution.

Alternative #2 Continue the item. The Commission may determine that it does not have sufficient information to make a decision at this time, and continue the matter to a date and time certain. Agreement of Kimco is required to use this alternative.

Alternative #3 Deny the Annexation

## **VII. Staff Recommendations**

Staff recommends the Commission approve the Annexation by adopting LAFCO Resolution 2019-07.

Respectfully Submitted,

John Benoit,  
Executive Officer

Attachments:

1. Proposed LAFCO Resolution 2019-0007 Annexation
2. Environmental information – EIR
3. CEQA Mitigations, Findings of Fact and Statement of Overriding Considerations
4. Notice of Determination
5. Letter from the South Lake Co. Fire Protection District.

**Resolution # 2019-0007**

**LAKE LOCAL AGENCY FORMATION  
STATE OF CALIFORNIA**

*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*

**WHEREAS**, Kimco Development (Valley Oaks) has filed an application to annex 147.14 acres into the Hidden Valley Lake Community Services known as LAFCo File 2019-0002, Valley Oaks annexation. This property is described and depicted in Exhibits "A" and "B", attached hereto and incorporated herein and filed with the Executive Officer of the Lake Local Agency Formation Commission pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq of the Government Code); and

**WHEREAS**, said formation of the Hidden Valley Lake Community Services District was approved to provide domestic water and wastewater services permitted by section 61000 et seq. of the Government Code for a Community Services District; and

**WHEREAS**, this Commission has authority to approve this annexation to said Community Services District without notice and without an election where all property owners in said territory consent to said annexation or when all registered voters and landowners within the territory have been given notice and no written protests have been received; and

**WHEREAS**, the Executive Officer has waived notice and hearing as allowed under Government Code Section 56662; and

**WHEREAS**, County of Lake prepared and certified as the Lead Agency an EIR for the Valley Oaks project including a General Plan Amendment, Zone Change, a Minor Use Permit and a Subdivision and on July 13, 2015 Certified an Environmental Impact Report the County Actions within the affected territory pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code); and

**WHEREAS**, LAFCo provided comments and participated in the County's Environmental Review process as a responsible agency; and

**WHEREAS**, the Executive Officer reviewed the application and determined its completeness within 30 days of their submission and prepared and filed his report with this Commission at least five days prior to the regularly scheduled meeting during which this application is to be considered; and

**WHEREAS**, the Lake County Board of Supervisors adopted Resolution 2019-33 on March 12, 2019 pertaining to the Tax Revenue Exchange for this annexation; and

**WHEREAS**, this Commission has considered the application, the report of the Executive Officer, the County's environmental document and determination, applicable General and Specific Plans, LAFCo's policies and each of the factors required by Government Code Section



56668 to be considered in the review of a proposal; and

**WHEREAS**, information satisfactory to this Commission has been presented that all the owners of land and registered voters within the affected territory have been given notice for this proposal in accordance with Government Code Section 56663(d); and

**WHEREAS**, all interested parties and proponents of the proposal were heard at a public hearing held on July 17, 2019; and

**WHEREAS**, it is desired that the proposed annexation to the Hidden Valley Lake Community Services District be subject to terms and conditions as follows:

**NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED** by the Lake Local Agency Formation Commission as follows:

1. The foregoing recitals are true and correct.
2. In reviewing this application, the Commission finds that all property owners and registered voters in said territory have been given notice regarding this annexation into the Hidden Valley Lake Community Services District.
3. In reviewing this application, the Commission finds that water and wastewater services to be provided by Hidden Valley Lake Community Services District are necessary and that there will not be a duplication of other powers provided by the Hidden Valley Lake Community Services District with any other special district.
4. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.
5. The LAFCO Executive Officer's Staff Report including attachments and recommendation for approval of the proposal is hereby incorporated by reference and hereby adopted.
6. The boundary description and map, if rejected by the State Board of Equalization or amended by LAFCO, will be revised at the expense of the applicant. The applicant shall be responsible for any associated costs.
7. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as described in Exhibits "A" Boundary Description and "B" Map attached hereto and by this reference incorporated herein subject to the terms and conditions included.
8. As stated in the LAFCO Staff Report of July 17, 2019, the amount of base property tax and tax increment transferred shall be in accordance with Lake County Resolution 2019-33 adopted on March 12, 2019 attached hereto as Exhibit "C".
9. Said annexation territory is found to be uninhabited.
10. The subject proposal is assigned the following short form designation: Valley Oaks

Annexation to the HVLCSO (LAFCO File 2019-0002).

11. The boundaries of the affected territory are found to be definite and certain.
12. The application for the annexation to the Hidden Valley Lake Community Services District (LAFCO 2019-0002) is hereby approved to provide domestic water and wastewater services within the territory. Any other services allowed in the Community Services District Law shall require LAFCO approval as a new and different service.
13. Further protest proceedings are waived and the Commission orders the 147.14-acre annexation to the Hidden Valley Lake Community Services District pursuant to Part 4 of Division 3 of the California Government Code commencing with Section 57000. Satisfactory proof has been given that the subject territory is uninhabited, that all landowners within the affected territory have given their written consent to the proposal and all affected agencies have not objected in writing to the waiver of conducting authority proceedings (Section 56663 of Government Code). Therefore, The Commission does hereby approve and authorize the conducting authority to annex the territory described in Exhibits "A" and "B" to the Hidden Valley Lake Community Services District without notice and election.
14. All HVLCSO previously authorized assessments; taxes, fees and charges shall apply to this annexed territory upon recordation of the Certificate of Completion.
15. All LAFCO, Lake County, LAFCO and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of estimated required fees or deposits to the annexation applicant(s) prior to filing the Certificate of Completion.
16. One electronic copy (PDF), three large copies (18 by 24 minimum) and two 8 1/2 x 11 reductions of all maps along with an electronic copy (PDF) and two copies of the final boundary description shall be submitted to LAFCO prior to recordation of the Certificate of Completion.
17. Approval of this annexation is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Lake Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Lake Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
18. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
19. Pursuant to Section 15096 of the State CEQA Guidelines, the Commission has



considered the Environmental Impact Report for the Valley Oaks Development as a responsible agency under the California Environmental Quality Act ("CEQA"), and has exercised its independent judgment and reached its own conclusions in considering the project, and the Commission hereby adopts the following findings regarding the Valley Oaks Environmental Impact Report. As a responsible agency, the Commission considers only the effects of those activities involved in a project over which it has jurisdiction, i.e., those associated with the annexation action of this project. The Commission certifies that its findings are based on an assessment of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Environmental Impact Report.

(A) On July 13, 2015 the County of Lake, acting as lead agency under CEQA, certified the Environmental Impact Report ("EIR") for the proposed Valley Oaks project including an annexation to the Hidden Valley Lake CSD. The EIR considers and evaluates all the potentially significant environmental effects of the proposed annexation that is the subject of this action. Environmental review included analysis of impacts related to this annexation to include the affected territory. The EIR analyzed impacts associated with the physical characteristics of the affected territory (including topography and drainage), short term and long-term growth in the Hidden Valley Lake area of Lake County, provision of public services, and associated impacts. The County of Lake adopted mitigation measures to avoid or lessen potential impacts where feasible. However, the County of Lake found that annexation of the affected territory could result in certain significant and unavoidable project and/or cumulative impacts on the environment, including:

1. Aesthetics light and glare
2. Noise
3. Air Quality
4. Greenhouse Gas Emissions
5. Increased Noise Levels
6. Increase in demand for public services
7. Biological and Natural Resources
8. Cultural and Paleontological Resources
9. Geology and Soils
10. Hazards to Human Health
11. Transportation and Circulation
12. Utilities and Service Systems

As described in the EIR, no mitigation measures exist to reduce these impacts to a less than significant level.

(B) The EIR sets forth numerous mitigation measures to reduce potentially significant impacts and concludes that such impacts can be reduced to a level of insignificance if all mitigation measures proposed in the EIR are adopted. On July 13, 2015, the County of Lake adopted all the mitigation measures in the EIR. In addition, the County of Lake adopted, pursuant to CEQA Section 21081.6 and CEQA Guidelines Section 15901, the Mitigation Monitoring and Reporting

Program to require all reasonably feasible mitigation measures to be implemented by means of project conditions, agreements, or other measures as set forth in the Mitigation Monitoring and Reporting Program. The Commission has reviewed and hereby incorporates by reference the County's Findings (attached and incorporated hereto as part of the Executive Officer's report prepared for the Valley Oaks Annexation and all mitigation measures proposed to reduce potentially significant impacts. The Commission hereby finds and determines that because the project under review by the Commission includes all feasible mitigation measures, the project does not require imposition of additional mitigation measures by this Commission. The mitigation measures adopted in the environmental process are the responsibility of the County, which will have land use regulatory authority over the site. All mitigation measures can and should be implemented by the County when it authorizes development approvals of the Valley Oaks project site. See CEQA Guidelines §15091(a)(2).

(C) Notwithstanding the remaining significant adverse impacts, the Commission, pursuant to Section 15093 of the CEQA Guidelines, determines that the benefits of the project outweigh the adverse environmental impacts and that the project should be approved. The Commission finds that the benefits of annexation outweigh the significant and unavoidable impacts of the project for each of the reasons identified in the Statement of Overriding Considerations adopted by the County on July 13, 2015 (also attached and incorporated in the Executive Officer's report)

- (D) CEQA Guidelines Section 15162 provides that a subsequent or supplemental environmental impact report (EIR) shall be prepared if certain conditions or circumstances exist. In general, a subsequent or supplemental EIR must be prepared if there are changes in the project, changes in the circumstances, or new information that require substantial changes to the previous environmental document because of new significant or more severe impacts. The Commission has reviewed and considered all of the public comments, testimony and documentation submitted to the Commission in regard to the project, and hereby finds that none of the factors or considerations requiring preparation of a subsequent or supplemental EIR have been identified.
- (E) CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information includes: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information. Section 15088.5 further provides that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." Having reviewed the information contained in the Valley Oaks EIR and in the administrative record as well as the requirements under CEQA Guidelines Section 15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, the Commission hereby finds that no new

significant information was added to the EIR (or was required to have been added) following public review and thus, recirculation of the EIR is not required by CEQA.

20. The Commission has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, and makes a specific determination that the issues and mitigation measures as adopted by the County adequately address this annexation.
21. The Commission directs the Executive Officer to file a Notice of Determination as provided under Section 15094 of Title 14 of the California Code of Regulations upon completion of the LAFCO proceedings. Applicant shall be responsible for payment of any documentary handling fees required by the Lake County Clerk/Auditor.
22. The effective date shall be the date the Certificate of Completion is recorded.
23. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings and compliance with the terms and conditions.
24. Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated unless an extension is approved by the LAFCO Commission prior to the termination date.

**PASSED AND ADOPTED** at a regular meeting of the Lake Local Agency Formation Commission, State of California, on the 17th day of July 2019 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

\_\_\_\_\_  
Chair or Vice-Chair, Local Agency  
Formation Commission

LAKE LOCAL AGENCY  
FORMATION COMMISSION  
ATTEST:

\_\_\_\_\_  
JOHN BENOIT  
Executive Officer

## **EXHIBIT "A"**

Lake Lafco File 2019-02

### **Valley Oaks Annexation to the Hidden Valley Lake Community Services District**

All that real property situate within a portion of the Guenoc Rancho,  
County of Lake, State of California

Beginning at a point on the Southerly boundary line of Hidden Valley Lake, Unit No. 3 as shown on that map filed in Book 10 of Town Maps at Pages 53 through 61, inclusive, Lake County Records, said POINT OF BEGINNING being also on the boundary of the Hidden Valley Lake Community Services District at the Northwesterly terminus of the course cited as North 62°11'02" West, 1404.39 feet shown on Exhibit "A" entitled "Hidden Valley Lake Community Services District being Hidden Valley Lake, Units 1-11, inclusive and adjacent land within Guenoc Rancho and a portion of Sections 6 and 7, T.11 N., R.6 W., M.D.B.&M., Lake County, California, dated March 1984", said POINT OF BEGINNING being also on the Southeasterly line of that certain tract of land, conveyed by deed recorded November 3, 2006 as Document Number 2006-029187, Lake County Records, distant South 30°55'30" West, 596.55 feet from the Northeast corner thereof; thence from said POINT OF BEGINNING,

- (1) South 30°55'30" West, 1980.88 feet, more or less, along said Southeasterly line to the Northeast corner of that certain tract of land, conveyed to the State of California by deed recorded December 19, 2017 as Document Number 2017016786, Lake County Records; thence, leaving said Southeasterly line, along the Northeasterly line of said State of California tract the following courses:

- (2) North  $64^{\circ}29'03''$  West, 62.27 feet
- (3) North  $44^{\circ}34'34''$  West, 328.49 feet
- (4) North  $61^{\circ}08'30''$  West, 185.36 feet
- (5) North  $29^{\circ}59'39''$  West, 167.48 feet
- (6) North  $83^{\circ}59'37''$  West, 200.10 feet, more or less, to a point on the Easterly right of way line of State Highway 29 as shown on that certain map filed in Book 80 of Record of Surveys, Pages 43 through 45, inclusive, said point being the beginning of a non-tangent curve to the left having a radius of 1050.12 feet, concave Southwesterly, the radial bearing to said point bears North  $74^{\circ}56'12''$  East;
- (7) thence, Northwesterly along said curve through a central angle of  $13^{\circ}38'54''$  an arc length of 250.15 feet;
- (8) thence, North  $28^{\circ}44'05''$  West, 44.54 feet;
- (9) thence, North  $31^{\circ}35'59''$  East, 131.26 feet;
- (10) thence, North  $59^{\circ}41'27''$  West, 145.79 feet;
- (11) thence, North  $28^{\circ}43'38''$  West, 60.01 feet to the beginning of a non-tangent curve to the right having a radius of 180.02 feet, concave Northeasterly, the radial bearing to said point bears South  $61^{\circ}16'08''$  West;
- (12) thence, Northwesterly along said curve through a central angle of  $19^{\circ}36'01''$  an arc length of 61.58 feet;
- (13) thence, North  $10^{\circ}42'45''$  West, 144.13 feet;
- (14) thence, North  $88^{\circ}06'49''$  West, 40.69 feet;
- (15) thence, North  $88^{\circ}06'49''$  West, 68.66 feet;
- (16) thence, North  $28^{\circ}44'05''$  West, 2757.42 feet to the beginning of a curve to the right having a radius of 1950.23 feet, concave Northeasterly,
- (17) thence, Northwesterly along said curve through a central angle of  $5^{\circ}03'59''$  an arc length of 172.45 feet, more or less,

- to the boundary of said Hidden Valley Lake Community Services District at the Southwesterly terminus of the course cited as (South 51°00'00" West, 500.00 feet);
- (18) thence, leaving said Easterly right of way line of State Highway 29, along the existing boundary of said Hidden Valley Lake Community Services District the following courses: North 51°00'00" East, 500.00 feet;
- (19) South 39°00'00" East, 954.38 feet
- (20) South 70°20'25" East, 1399.44 feet
- (21) South 87°43'21" East, 567.85 feet
- (22) South 54°31'10" East, 1153.36 feet
- (23) South 30°55'30" West, 596.55 feet to the POINT OF BEGINNING, containing 147.1 acres, more or less.

Clifford D. Ruzicka

Clifford D. Ruzicka

03/05/2019

Date

Registered Civil Engineer #14961



- ( ) data per Exhibit "A" of Hidden Valley Lake Community Services District boundary

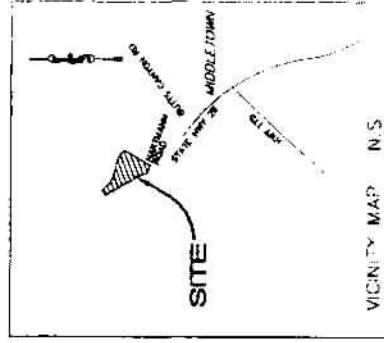
NOTE: For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

APN's 014-260-36 & 51



EXHIBIT "B"  
VALLEY OAKS ANNEXATION TO  
HIDDEN VALLEY LAKE  
COMMUNITY SERVICES DISTRICT  
LAKE LAFCO FILE 2019-02

LYING WITHIN THE GUENOC RANCHO  
COUNTY OF LAKE, STATE OF CALIFORNIA  
MARCH 2018



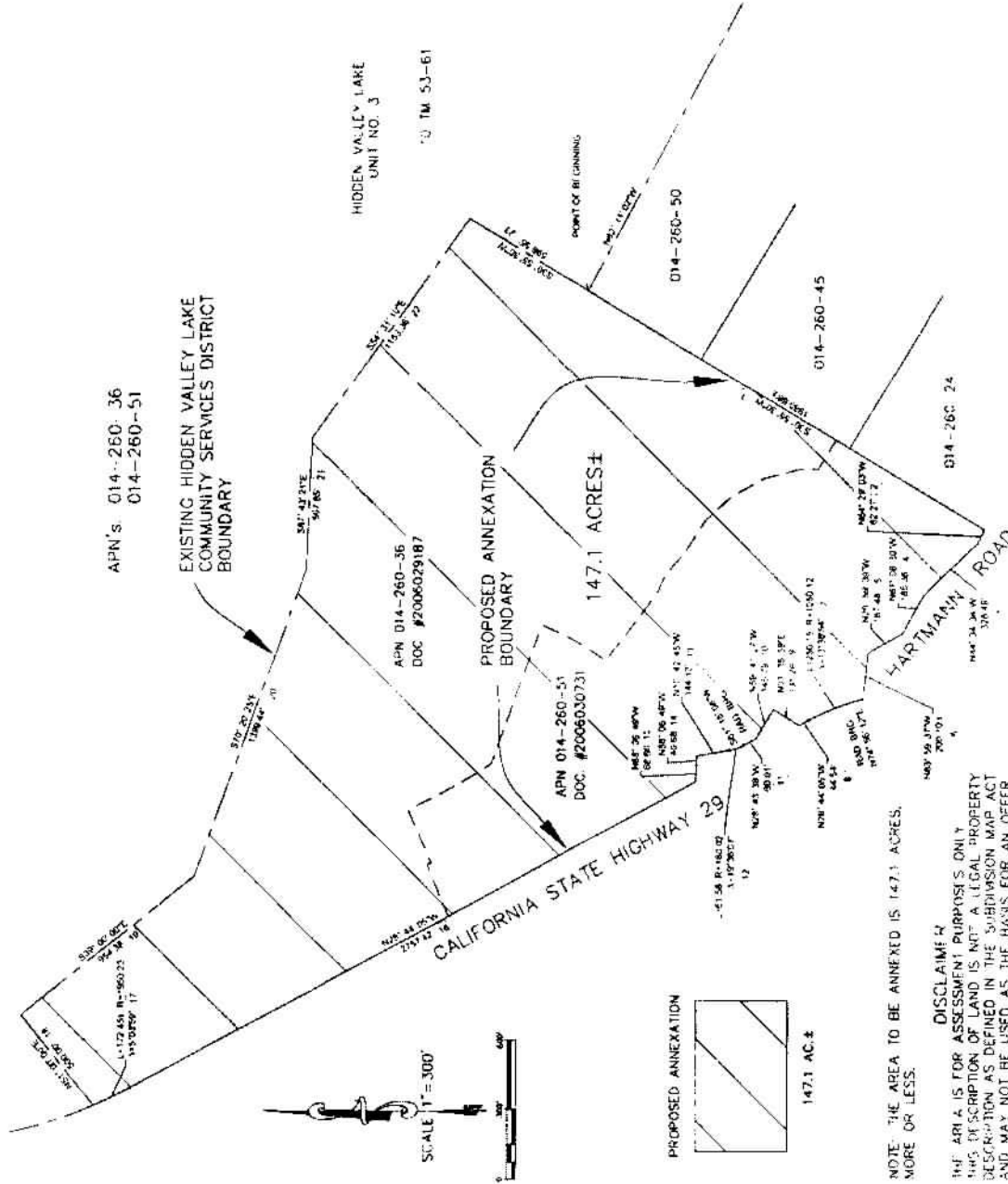
MAP PREPARED BY:

*Clifford D. Ruzicka*  
RUZICKA ASSOCIATES  
CLIFFORD D. RUZICKA



RUZICKA ASSOCIATES  
CONSULTING ENGINEERS  
ONE EMERALD PLAZA, SUITE 200  
14000 MIDWAY AVENUE  
DUBLIN, CA 94568  
(916) 833-1100  
FAX (916) 833-1101  
WWW.RUZICKA-ASSOCIATES.COM

LARGE SHEET ONLY



NOTE: THE AREA TO BE ANNEXED IS 147.1 ACRES,  
MORE OR LESS.

DISCLAIMER:  
THIS AREA IS FOR ASSESSMENT PURPOSES ONLY.  
THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY  
DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT  
AND MAY NOT BE USED AS THE BASIS FOR AN OFFER  
FOR SALE OF THE LAND PLATTED



1 This Resolution was passed and adopted by the Board of Supervisors of the County of  
2 Lake at a regular meeting thereof on March 12, 2019 by the following vote:

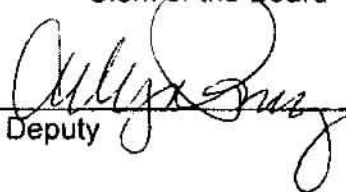
3 AYES: Supervisors Simon, Sabatier, Crandell and Scott

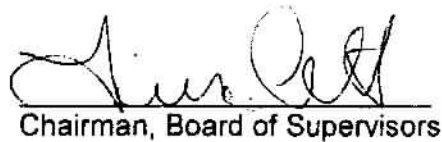
4 NOES: None

5 ABSENT OR NOT VOTING: Supervisor Brown

6 ATTEST: Carol J. Huchingson  
7 Clerk of the Board

8  
9 By:

10   
Deputy

  
Chairman, Board of Supervisors

11 APPROVED AS TO FORM:  
12 ANITA L. GRANT  
13 County Counsel

14 



## FINDINGS OF FACT

### Valley Oaks

- A. All mitigation measures set forth in the EIR have been incorporated into this project which will avoid or substantially lessen the significant environmental effects that the project might otherwise cause, as identified in the EIR as follows:
- a. Aesthetics Light and Glare: Changes or alterations have been required which substantially avoid or markedly lessen some of the significant environmental effects included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section B to reduce some of the impacts related to aesthetics light and glare.
  - b. Air Quality: Changes or alterations have been required which substantially avoid or markedly lessen some of the significant environmental effects included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section C to reduce some of the impacts related to air quality.
  - c. Biological and Natural Resources: Changes or alterations have been required which substantially avoid or markedly lessen the significant environmental effect included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section D to reduce impacts related to biological and natural resources.
  - d. Cultural and Paleontological Resources: Changes or alterations have been required which substantially avoid or markedly lessen the significant environmental effect included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section E to reduce impacts related to cultural resources.
  - e. Geology and Soils: Changes or alterations have been required which substantially avoid or markedly lessen the significant environmental effect included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section F to reduce impacts related to geology and soils.
  - f. Hazards and Human Health: Changes or alterations have been required which substantially avoid or markedly lessen the significant environmental effect included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section G to reduce impacts related to hazards and human health.
  - g. Hydrology and Water Quality: Changes or alterations have been required which substantially avoid or markedly lessen the significant environmental effect included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section H to reduce impacts related to hydrology and water quality.
  - h. Land Use and Planning: Changes or alterations have been required which substantially avoid or markedly lessen the significant environmental effect included as mitigation

measures in the EIR and also found in the General Plan of Development conditions Section I to reduce impacts related to land use and planning.

- i. Noise: Changes or alterations have been required which substantially avoid or markedly lessen some of the significant environmental effects included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section J to reduce some of the impacts related to noise.
  - j. Public Services: Changes or alterations have been required which substantially avoid or markedly lessen the significant environmental effect included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section K to reduce impacts related to public services.
  - k. Transportation and Circulation: Changes or alterations have been required which substantially avoid or markedly lessen the significant environmental effect included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section L to reduce impacts related to transportation and circulation.
  - l. Utilities and Service Systems: Changes or alterations have been required which substantially avoid or markedly lessen some of the significant environmental effects included as mitigation measures in the EIR and also found in the General Plan of Development conditions Section M to reduce some of the impacts related to utilities and service systems.
- B. The project, as proposed and analyzed in the EIR, will result in significant unavoidable impacts to aesthetics/light and glare, air quality, noise and utilities and service systems. The adverse environmental effects that cannot be mitigated are overridden by:
1. The desirability of and need for providing an adequate supply of safe housing for the citizens of Lake County.
  2. The orderly expansion and efficient utilization of public facilities and services and the provision of adequate housing sites.
  3. The desirability of increased opportunities for employment and commerce in Lake County.
  4. The desirability of providing additional passive and active recreational opportunities.
- C. The following alternatives to the project described in the EIR, which would reduce or avoid significant unmitigated impacts and which have not been selected as part of this project, are infeasible for the following reasons:
1. No Project/No Development Alternative: The proposed project would not be constructed and the project site would remain in its current condition and used for agricultural purposes (grazing). This alternative is infeasible because it would not achieve the project objectives and would not enhance economic and residential development and job creation in Lake County.

2. Open Space Preservation Alternative: The project site would be developed with 135 single-family residences into eleven acres, reduced commercial uses, and approximately fifteen acres of the site undeveloped. This alternative is infeasible because it would not achieve the project objectives and would not enhance economic and commercial development and job creation in Lake County.
  3. Reduced Intensity Alternative: The project site would be developed with 231 single-family residences on larger lots, would eliminate the multi-family, residential care facility and senior living components and keep the commercial component as proposed. This alternative is infeasible because it would not achieve the project objectives and would not enhance economic and commercial development and job creation in Lake County.
- D. The mitigation measures identified in the EIR eliminate or substantially reduce significant impacts on the environment to the extent feasible. The identified impacts will be reduced by the mitigation measures set forth in the EIR and the Mitigation and Monitoring Report (MMRP) and which are included in the General Plan of Development conditions of approval.
1. The implementation of this project will result in the following beneficial impacts: 1). The desirability of and need for providing an adequate supply of safe housing for the citizens of Lake County. 2). The orderly expansion and efficient utilization of public facilities and services and the provision of adequate housing sites. 3). The desirability of increased opportunities for employment and commerce in Lake County. 4). The desirability of providing additional passive and active recreational opportunities.
- E. The mitigation measures identified in the EIR and found in the MMRP and the General Plan of Development do not abridge or supersede the regulatory powers or permit requirements of any state or federal agency or of any special district or other department or division of the County of Lake which may retain an advisory or regulatory function as specified by statute or ordinance.
- F. A mitigation monitoring program is laid out in the EIR and found in the General Plan of Development so as to avoid or lessen significant environmental impacts. The Planning Commission recommends that the Board of Supervisors and all other review authorities with the jurisdiction to approve land use entitlements shall implement a program for reporting on or monitoring mitigation measures as set forth in the EIR and that said plan be fully enforceable through permit conditions, agreements or other measures.
- G. The Community Development Department is the custodian of the documents or other materials which constitute the record of the proceedings upon which this decision is based.
- H. The implementation of this project is in the general public interest, and the mitigation measures will provide adequate safeguards to the general welfare of the people of Lake County.
- I. In light of the benefits of the project, noted above, the Planning Commission recommends that adoption of the amendment to the Lake County General Plan, Rezoning and General Plan of Development for the Valley Oaks Planned development will not, under any circumstances of this particular case, be detrimental to the health, safety, morals, comfort and general welfare of the County.



*Wang Wang*  
Appendix D: 3 2015

**Notice of Determination****To:**☒ Office of Planning and Research

U.S. Mail:

Street Address:

P.O. Box 3044

1400 Tenth St., Rm 113

Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ County Clerk

County of: Lake

Address: 255 North Forbes Street

Lakeport, CA 95453

**From:**

Public Agency: Community Development Dept.

Address: 255 North Forbes Street

Lakeport, CA 95453

Contact: Keith Gronendyke, Associate Planner

Phone: 707-263-2221

Lead Agency (if different from above):

Address:

Contact:

Phone:

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): SHC No. 2007032030

Project Title: FIER - GPAP 06-02, RZ 04-34 &amp; GPD 06-01

Project Applicant: KIMCO DEVELOPMENT CORPORATION

Project Location (include county): 18196 &amp; 18426 SOUTH STATE HIGHWAY 29, MIDDLETOWN, CA

**Project Description:**

A general plan of development for approximately 150 acres consisting of the following uses: an approximately 30-acre community commercial village area including a portion of mixed use development; a medium density lot having a concentration of up to fifteen units per acre; a 2.5 acre multi-family senior residential parcel for the construction of a residential care and/or assisted living facility; private and public open space integrated throughout the project; and an age restricted (55 and older) subdivision of up to 380 single family residential lots

This is to advise that the Lake County Planning Commission has approved the above  
(☒ Lead Agency or ☐ Responsible Agency)

described project on June 25, 2015 and has made the following determinations regarding the above  
(date)  
described project.

1. The project (☒ will ☐ will not) have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (☒ were ☐ were not) made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan (☒ was ☐ was not) adopted for this project.
5. A statement of Overriding Considerations (☒ was ☐ was not) adopted for this project.
6. Findings (☒ were ☐ were not) made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Signature (Public Agency): Danae Bower Title: Office Assistant III

Date: \_\_\_\_\_ Date Received for filing at OPR: \_\_\_\_\_

R#17-2015-051

JUN 15 2015



**South Lake County Fire Protection District**  
— in cooperation with —  
**California Department of Forestry and Fire Protection**

---

P.O. Box 1360 Middletown, CA 95461 - (707) 987-3089

January 18, 2019

Lake Local Agency Formation Commission  
C/O John Benoit  
P.O. Box 2694  
Granite Bay, CA 95746

RE: LAFCO 2019-02 NOTICE OF ANNEXATION REQUEST Valley Oaks Annex to the Hidden Valley Lake CSD (HVLCD)

On behalf of South Lake County Fire Protection District, please accept this letter of support in favor of the Valley Oaks annexation request. The only recommendation from South Lake County Fire is fire hydrants be installed every 500 feet as residential and commercial buildings develop.

Please do not hesitate to call me at (707) 987-3089 ext. 1 should you have any questions.

Sincerely,

Mike Wink  
Battalion Chief

June 25, 2019

**To:** Local Agency Formation Commission  
Members and Alternate Members

**From:** Shiva Frentzen, Committee Chair  
CALAFCO Board Election Committee  
CALAFCO Board of Directors

**CALAFCO**



**RE: Nominations for 2019/2020 CALAFCO Board of Directors**

Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO's Election Committee is accepting nominations for the following seats on the CALAFCO Board of Directors:

**Northern Region**

County Member  
District Member

**Central Region**

City Member  
Public Member

**Coastal Region**

City Member  
Public Member

**Southern Region**

County Member  
District Member

The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 31, 2019 at the Hyatt Regency in Sacramento, CA.

**Please inform your Commission that the CALAFCO Election Committee is accepting nominations for the above-cited seats until *Monday, September 30, 2019*.**

Incumbents are eligible to run for another term. Nominations received by September 30 will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 16, 2019 and ballots made available to Voting Delegates at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. The ballot request must be made no later than **Monday, September 30, 2019**. Completed absentee ballots must be returned by 8:00 a.m., **Monday, October 28, 2019**.

*Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form, or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.*

**The nomination forms and materials must be received by the CALAFCO Executive Director no later than Monday, September 30, 2019 at 5:00 p.m.** Here is a summary of the deadlines for this year's nomination process:

- **June 26** - Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 30** - Completed Nomination packet due
- **September 30** - Request for an absentee/electronic ballot due
- **September 30** - Voting delegate name due to CALAFCO
- **October 16** - Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 16** - Distribution of requested absentee/electronic ballots.
- **October 28** - Absentee ballots due to CALAFCO
- **October 31** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received should there be multiple candidates. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to [info@calafco.org](mailto:info@calafco.org). Alternatively, nomination forms and materials can be mailed or faxed to the address or fax number below. Please forward nominations to:

CALAFCO Election Committee c/o Executive Director  
California Association of Local Agency Formation Commissions  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, California 95814  
FAX: 916-442-6535  
EMAIL: [info@calafco.org](mailto:info@calafco.org)

Questions about the election process can be sent to the Chair of the Committee, Shiva Frentzen, at [sfrentzen@calafco.org](mailto:sfrentzen@calafco.org) or by calling her at 530-621-5390. You may also contact CALAFCO Executive Director Pamela Miller at [pmiller@calafco.org](mailto:pmiller@calafco.org) or by calling 916-442-6536.

Members of the 2019/2020 CALAFCO Election Committee are:

Shiva Frentzen, Chair <a href="mailto:sfrentzen@calafco.org">sfrentzen@calafco.org</a>	El Dorado LAFCo (Central Region) 530-621-5390
Josh Susman <a href="mailto:jsusman@calafco.org">jsusman@calafco.org</a>	Nevada LAFCo (Northern Region) 530-265-7180
Cheryl Brothers <a href="mailto:cbrothers@calafco.org">cbrothers@calafco.org</a>	Orange LAFCo (Southern Region) 714-640-5100
Jane Parker <a href="mailto:jparker@calafco.org">jparker@calafco.org</a>	Monterey LAFCo (Coastal Region) 831-883-7570

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures as well as the current listing of Board Members and corresponding terms of office.

*Please consider joining us!*

Enclosures

## **Board of Directors Nomination and Election Procedures and Forms**

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

### **1. APPOINTMENT OF AN ELECTION COMMITTEE:**

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.<sup>8</sup>
- b. The Board shall appoint one of the members of the Election Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Election Committee in cooperation with the CALAFCO Executive Director.<sup>8</sup>
- c. Each region shall designate a regional representative to serve as staff liaison to the Election Committee.<sup>8</sup>
- d. Goals of the Committee are to provide oversight of the elections process and to encourage and solicit candidates by region who represent member LAFCOs across the spectrum of geography, size, and urban suburban and rural population if there is an open seat for which no nominations papers have been received close to the deadline.<sup>8</sup>

### **2. ANNOUNCEMENT TO ALL MEMBER LAFCOs:**

- a. No later than three months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:<sup>8</sup>
  - i. A statement clearly indicating which offices are subject to the election.
  - ii. A regional map including LAFCOs listed by region.
  - iii. The dates by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Elections Committee action."<sup>8</sup>
  - iv. The names of the Election Committee members with the Committee Chairman's LAFCo address and phone number, and the names and contact information for each of the regional representatives.<sup>8</sup>
  - v. The address to send the nominations forms.
  - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Election Committee Chairman shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the web site. The announcement shall include the following:<sup>8</sup>

#### **Key Timeframes for Nominations Process**

Days*	
90	Nomination announcement
30	Nomination deadline
14	Committee report released

\*Days prior to annual membership meeting

- i. A statement clearly indicating which offices are subject to the election.
  - ii. The specific date by which all nominations must be received by the Election Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Election Committee action."<sup>8</sup>
  - iii. The names of the Election Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.<sup>8</sup>
  - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

### **3. THE ELECTION COMMITTEE:**

- a. The Election Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.<sup>8</sup>
- b. At the close of the nominations the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.<sup>8</sup>
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.<sup>8</sup>
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election.<sup>8</sup>
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.<sup>8</sup>



**4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING<sup>6</sup>**  
Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCOs voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee and may not vote in any run-off elections.<sup>8</sup>

**5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:**

- a. The Election Committee Chairman, another member of the Election Committee or the Chair's designee (hereafter called the Presiding Officer) shall:<sup>8</sup>
  - i. Review the election procedure with the membership.
  - ii. Present the Election Committee Report (previously distributed).
  - iii. Call for nominations from the floor by category for those seats subject to this election:
    1. For city member.
    2. For county member.
    3. For public member.
    4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
  - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
    1. Name the nominees and offices for which they are nominated.
    2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.

- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
  - 1. Poll the LAFCOs in good standing by written ballot.
  - 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
  - 3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.<sup>6</sup>
  - 4. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
  - 1. The nominee receiving the majority<sup>6</sup> of votes cast is elected.
  - 2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).<sup>6</sup>
  - 3. In case of tie votes<sup>6</sup>:
    - a. A second run-off election shall be held with the same two nominees.
    - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
  - 4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.<sup>6</sup>
    - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
    - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
    - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

## **6. ADDITIONAL PROCEDURES**

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Election Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.<sup>8</sup>
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after

election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

#### **7. LOSS OF ELECTION IN HOME LAFCo**

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

#### **8. FILLING BOARD VACANCIES**

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

*These policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007<sup>1</sup>, 8 February 2008<sup>2</sup>, 13 February 2009<sup>3</sup>, 12 February 2010<sup>4</sup>, 18 February 2011<sup>5</sup>, 29 April 2011<sup>6</sup>, 11 July 2014<sup>7</sup> and 27 October 2017<sup>8</sup>. They supersede all previous versions of the policies.*

### **CALAFCO Regions**

#### **FOUR REGIONS**



The counties in each of the four regions consist of the following:

**Northern Region**

Butte  
Colusa  
Del Norte  
Glenn  
Humboldt  
Lake  
Lassen  
Mendocino  
Modoc  
Nevada  
Plumas  
Shasta  
Sierra  
Siskiyou  
Sutter  
Tehama  
Trinity  
Yuba

**CONTACT:** Steve Lucas  
Butte LAFCo  
slucas@buttecounty.net

**Southern Region**

Orange  
Los Angeles  
Imperial  
Riverside  
San Bernardino  
San Diego

**CONTACT:** Keene Simonds  
San Diego LAFCo  
keene.simonds@sdcounty.ca.gov

**Coastal Region**

Alameda  
Contra Costa  
Marin  
Monterey  
Napa  
San Benito  
San Francisco  
San Luis Obispo  
San Mateo  
Santa Barbara  
Santa Clara  
Santa Cruz  
Solano  
Sonoma  
Ventura

**CONTACT:** Martha Poyatos  
San Mateo LAFCo  
mpoyatos@smcgov.org

**Central Region**

Alpine  
Amador  
Calaveras  
El Dorado  
Fresno  
Inyo  
Kern  
Kings  
Madera  
Mariposa  
Merced  
Mono  
Placer  
Sacramento  
San Joaquin  
Stanislaus  
Tulare  
Tuolumne  
Yolo

**CONTACT:** Christine Crawford, Yolo LAFCo  
christine.crawford@yolocounty.org

**Board of Directors  
2019/2020 Nominations Form**

***Nomination to the CALAFCO Board of Directors***

In accordance with the Nominations and Election Procedures of CALAFCO,

\_\_\_\_\_ LAFCo of the \_\_\_\_\_ Region

Nominates \_\_\_\_\_

for the (check one)     ☐ City     ☐ County     ☐ Special District     ☐ Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual  
Membership Meeting of the Association.

\_\_\_\_\_ LAFCo Chair

\_\_\_\_\_ Date

**NOTICE OF DEADLINE**

Nominations must be received by **September 30, 2019**  
at 5:00 p.m. to be considered by the Election Committee.  
Send completed nominations to:  
CALAFCO Election Committee  
CALAFCO  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

**Board of Directors  
2019/2020 Candidate Resume Form**

Nominated By: \_\_\_\_\_ LAFCo Date: \_\_\_\_\_

Region (please check one): ☐ Northern ☐ Coastal ☐ Central ☐ Southern

Category (please check one): ☐ City ☐ County ☐ Special District ☐ Public

Candidate Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Office \_\_\_\_\_ Mobile \_\_\_\_\_

e-mail \_\_\_\_\_

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:



Availability:

Other Related Activities and Comments:

**NOTICE OF DEADLINE**

Nominations must be received by **September 30, 2019**  
at 5:00 p.m. to be considered by the Election Committee.  
Send completed nominations to:  
CALAFCO Election Committee  
CALAFCO  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

## Item #10

Although it is not LAFCo's role to manage the day-to-day operations of special districts LAFCo is charged with overseeing the provision of efficient government services. Many special districts are now experiencing financial difficulties and the inability to manage themselves due to a variety of reasons such as increasing regulation, securing a revenue base, provincialism, dealing with natural disasters or poor management losing sight of their initial purpose, which is to provide safe and reliable services.

LAFCo's oversees service capability and organization of Special Districts and determines the agencies who are the best service providers

A tool LAFCo's have is the Municipal Service Review (MSR). A service review is conducted every five years as necessary with an overall purpose of supporting a Sphere of Influence (SOI), which is a probable growth boundary of an agency. A MSR includes agency operational recommendations and identifies better methods to provide services. A SOI may make recommendations regarding future district expansions by requiring various performance criteria the district must meet prior to annexation.

### METHODOLOGY:

LAFCo is in need of a Commission agreed upon consistent methodology moving forward. A suggested methodology may as follows:

1. Identify the problem(s) and priority services
2. Identify category of agencies and geographic area to be reviewed. For example, fire districts or cemetery districts. The Commission first must decide on which districts to review and the area to be reviewed.
3. Invite the selected agencies to a LAFCo meeting to hear their concerns and ideas.
4. After initial research meet again with the service providers (either collectively or separately) and invite them to a LAFCo meeting.
4. Request updated information from the service providers and prepares an updated background document.

### NEXT STEPS by priority:

1. Cemetery Districts (2009) Glenbrook, Hartley, Kelseyville, Lower Lake, Middletown, and Upper Lake
2. Fire Districts (2015) Lake Pillsbury, Lakeport, Lake County, So. Lake County, Kelseyville and Northshore
3. Water providers - Review Konocti (2007), Upper Lake (2007), Buckingham(2010) and Lower Lake Water (2015)