

## Lake Local Agency Formation Commission

### Regular Meeting Agenda

**Wednesday March 17, 2021 -- 9:30 am**

Welcome to the LAKE LAFCo special meeting. This meeting will be via Zoom (conference call) only due to the COVID-19 virus. A roll call vote is required for all items on the agenda.

You may use your phone for this meeting and no computer is required. There will be video if you choose to use it.

*The complete agenda, including backup materials and materials related to items on this Agenda submitted to the Commission after distribution of the Agenda Packet, is available for public inspection on the Lake LAFCo website. Agenda materials are also available on the Lake LAFCO website at [www.lakelafco.org](http://www.lakelafco.org)*

**Instructions for joining meeting via Zoom are as follows:**

**Topic: Lake LAFCo**

**Time: Mar 17, 2021 09:30 AM Pacific Time (US and Canada)**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/85857787809?pwd=R0UxZ1QwbIRxaHBqem1vMzVFUFZSZz09>**

**Meeting ID: 858 5778 7809**

**Passcode: 713133**

**One tap mobile**

**+16699006833,,85857787809#,,,,\*713133# US (San Jose)**

**Dial by your location**

**+1 669 900 6833 US (San Jose)**

**Meeting ID: 858 5778 7809**

**Passcode: 713133**

**Find your local number: <https://us02web.zoom.us/u/kdka8Ea2D0>**

*If you have any problems dialing in call LAFCo at (707) 592-7528*

*Items may be considered at any time during the meeting. All items are listed in accordance with the Ralph M. Brown Act. Members of the public are encouraged to participate in this teleconference meeting either by email prior to the meeting at [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com) or by phone by dialing the number above. You may listen to the meeting by dialing the teleconference number.*

*This meeting is being agendized to allow staff and the public to participate via teleconference, pursuant to the Governor's Executive Orders N-25-20 & N-29-20 and dated March 12, 2020 &*

March 17, 2020. These Executive Orders authorizes local legislative bodies to hold a public meeting via teleconference or other electronic means and to make public meetings accessible to telephonically to all members of the public and staff in effort to observe Social Distancing Recommendations in effect for the entire country.

(All meeting materials are available on LAFCo's 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)  
Stan Archacki, (Special Dist.)  
Jim Scholz (Special District)  
Ed Robey, (Public Member)  
Moke Simon, Vice Chair (County)  
Bruno Sabatier Chair (County)  
Stacey Mattina (City)

Victoria Brandon (Spec. District Alternate)  
Suzanne Lyons (Public Alternate)  
Tina Scott (County Alternate)  
Russ Perdock (City Alternate)

**Staff**

John Benoit, Executive Officer  
P. Scott Browne, Legal Counsel  
Kathleen Moran, Clerk-Analyst

- 1. **Call to Order – Roll Call**
- 2. **Approval of Minutes – January 20, 2021**  
*Action: Approve January 20, 2021 minutes*

**3. 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.

**4. Consent Agenda**

- a. *Review and authorize payment of expenses for January and February 2021.*

**PUBLIC HEARINGS:**

5. **LAFCO 2019-0007 - ANNEXATION and Sphere Amendment request in Paradise Valley known as the Berger Annexation to the Clearlake Oaks County Water District (CLOCWD)**
  - a. Conduct public hearing regarding the Sphere of Influence Amendment and Annexation to the CLOCWD.
  - b. Adopt proposed Resolution 2021-0002 approving a Sphere of Influence Amendment consisting of 17.13 acres into the CLOCWD
  - c. Adopt Resolution 2021-0003 approving an Annexation consisting of 17.13 acres into the CLOCWD.
  
6. **LAFCO 2020-0001 – Jackson, Polanco and Rancheria Sphere of Influence Amendment and Annexation (JPR Annexation) to the Callayomi County Water District (CCWD)**
  - a. *Conduct public hearing regarding the Sphere of Influence amendment and annexation*
  - b. *Consider proposed Resolution 2021-0004 approving an amendment to the CCWD sphere of Influence to include an additional 27.87 acres.*
  - c. *Consider proposed Resolution 2021-0005 approving the Annexation consisting of 27.87 acres more or less into the Callayomi County Water District.*
  
7. **Proposed LAFCo Budget for FY 2021-2022**
  - a. *Conduct Public Hearing and consider proposed LAFCo budget for FY 2021-2022 by adopting LAFCo Resolution 2021-0006.*

**Other Matters:**

8. **Contract Amendment with Municipal Resource Consultants (MRG) for continued facilitation services for the South Lakeport Annexation Project**
  - a. **Update and Consider contract amendment for additional facilitation meetings and authorize the Executive Officer to sign an agreement for additional services.**
  
9. **Executive Officer' s report.**
  - a. *Cemetery District MSR and SOI*
  - b. *South Lakeport Annexion*
  - c. *700 Forms due April 1, 2021*
  - d. *Public Member Alternate Recruitment due April 29, 2021*
  - e. *Updated Fee Deposit Schedule*

10. LAFCo Counsel's report

a. *San Luis Obispo LAFCo v City of Pismo Beach*

11. 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.*

12. Correspondence:

13. Adjourn to LAFCO's next regular meeting: **Wednesday May 19, 2021 9:30 AM in Clearlake or zoom**

*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  
January 20, 2021

**Members Participating**

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

**Staff Participating**

John Benoit, Executive Office  
P. Scott Browne, Legal Counsel  
Kathleen Moran, Clerk

Absent: Tina Scott, County Alternate, Joyce Overton, City Alternate, Suzanne Lyons, Public Member Alternate.

Participating by telephone or Zoom: Frank Costner, Jeff Stanley, Konocti County Water District  
William Adams, Attorney, representing Highlands Mutual Water Company

**1. Call to Order** - Chairman Sabatier called meeting to order at 9:30 a.m. via teleconference and Zoom.

**2. Approval of Minutes** - Motion by Commissioner Slooten, second by Commissioner Simon to approve the Minutes of the November 18, 2020 Meeting. Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioners

**3. Public Comment** – None.

\*9:40 a.m. Commissioner Archacki is present.

**4. Consent Agenda**

a. Motion by Commissioner Mattina, second by Commissioner Slooten to review and authorize payment of expenses for November and December 2020. Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Robey.

\*9:48 a.m. Commissioner Robey is present.

**5. Public Hearing - Reconsideration of the Konocti Co. Water District Service Sphere of Influence Update**

EO reported that the Commission has received a timely request for reconsideration of the SOI update from Highlands Mutual Water Company. The request is based on information provided showing several areas in the update overlap into the existing Highlands Water service area.

EO recommended that the Commission grant the Reconsideration Request, rescind Resolution 2020-0007 which approved the KCWD update. Further, direct staff to conduct a service review to include all domestic water service providers within the City of Clearlake within 6 months' time (more or less) and bring back an amended and updated Service Review and SOI for the Konocti County Water District. EO presented a Resolution 2021-0001 which sets forth and authorizes the recommendations.

The alternatives and recommendations contained in EO's staff report were discussed.

Motion by Commissioner Simon, seconded by Commissioner Robey to adopt Resolution 2021-0001 A Resolution Making Determinations Regarding the Reconsideration of LAFCo's Approval of the Konocti County Water Sphere of Influence Update and authorize the Chairman to sign. Further, to authorize staff to review all domestic water service providers within the incorporated limits of Clearlake and amend the MSR adopted on November 18, 2020 and review Sphere of Influence options for consideration at a future meeting. Passed and adopted by the following vote:

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

#### **6. California Special District Association's "Pay what you can" membership program.**

EO spoke to the benefits of CSDA membership and the program which affords membership opportunity to districts, with budgets of less than \$250,000/annual, and recommended eligible districts take advantage of the membership. EO provided a list of the qualifying districts in the Agenda Packet.

#### **7. Executive Officer's Report**

- a. CSDA District Laws Reference Guide
- b. Cemetery District MSR and SOI – nearly complete
- c. Carlisle (Berger) Annex to Clearlake Oaks Co. Water District –on March Agenda
- d. South Lakeport Annexation – draft tax sharing agreement with City and County
- e. Callayomi Co. WD Annexation – Rancheria 2 Annex
- f. Form 700 due April 1, 2021 – file with Auditor-Clerk
- g. Public member Alternate Recruitment 2021 – appointed by LAFCo
- h. Fee Deposit Schedule – under revision for updates, may be on next Agenda along with proposed bylaw updates.
- i. 2021-22 LAFCo Budget

Commissioner Sabatier thanked EO for his efforts in securing the facilitators in to work on the South Lakeport Annexation Project.

**8. LAFCo Counsel's Report.** No new information.

**9. Commissioner Reports**

Commissioner Slooten reported that the Commission will be receiving notification of the Mayors Selection Committee pick for City Alternate.

Chairman Sabatier spoke to the issue of designations of open space and agriculture with regard to cannabis production regulations. Commissioner Robey suggested he contact County Counsel.

**10. Correspondence – Calafco 2021 Event Calendar**

10:20 a.m. Meeting adjourned.

Next regular meeting: Wednesday March 17, 2021 at 9:30 a.m. either in Lakeport or on Zoom.

By: Kathleen Moran, Clerk

# Lake Local Agency Formation Commission

Item #3

## CLAIMS

January and February 2021

### Expenses for FY 2020-2021:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
12.16.20 - 1.15.21	Browne Legal	\$ 1,837.00
Jan 21, 2021	Meeting Stipend	\$ 540.00
Feb 1, 2021	Staff Svcs Jan 2021	\$ 8,597.67
Jan 21, 2021	MRG Facilitation So Lkpt	\$ 2,350.00
1.11. 2021 - 2.15.21	Browne Legal	\$ 525.00
March 1, 2021	Staff Svcs Feb 2021	\$ 6,397.67
Feb 28, 2021	RB-CLO #1284794	\$ 460.11
TOTAL:		\$ 20,707.45

DATED: March 15, 2021

APPROVED: March 15, 2021

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Bruno Sabatier, Chair  
Lake Local Agency Formation Commission

Attest:

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John Benoit  
Executive Officer







ITEM # 5

Lake LAFCO

Executive Officer's Report

March 17, 2021

TO: Lake Local Agency Formation Commission

From: John Benoit, Executive Officer

RE: LAFCO 2019-0007 - ANNEXATION and Sphere Amendment REQUEST in Paradise Valley known as the Berger Annexation to the Clearlake Oaks County Water District

EXECUTIVE OFFICER'S RECOMMENDATIONS: Adopt the proposed Resolution 2021-0002 (see Attachment #1) amending the Clear Lake Oaks County Water District (CLOCWD) Sphere of Influence to include 17.13 additional acres and Resolution 2021-0003 (see Attachment #2) approving an annexation of 17.13 acres more or less to the Clear Lake Oaks County Water District (Assessor's Parcel: 006-005-61) to receive domestic water services for territory located west of its existing boundary in Paradise Valley having an address of 8300 Highway 20, Lucerne, CA 95458. The project applicants have recently completed a lot line adjustment for the area to be annexed. The CLOCWD adopted a resolution initiating this application through LAFCo (See Attachment #3)

Suggested Motions:

1. Adopt proposed Resolution 2021-0002 approving a Sphere of Influence Amendment consisting of 17.13 acres into the CLOCWD
2. Adopt Resolution <sup>2021-0003</sup> ~~2017-0010~~ approving an Annexation consisting of 17.13 acres into the CLOCWD.

I. BACKGROUND:

A. Summary:

James Berger is requesting annexation of 17.13 acres more or less to CLOCWD Water (Assessor's Parcel: 006-005-61 to receive domestic water services for one parcel on property located at 8300 Highway 20 in Paradise Valley.

The Description and Justification for this application is as follows:

This new application is to adjust the boundary of the Clearlake Oaks County Water District to match an approved minor lot line adjustment. This will modify the district boundary to encompass the entire development area approved in the Paradise Valley Ranch Plan of Development by the Lake County Board of Supervisors on December 10, 2013. This application is to have the parcel added to the CLOCWD so that the annexation area can obtain safe and reliable public water.

The CLOCWD has agreed to provide water services to the territory and passed Resolution 20-01 initiating a request to LAFCo (See Attachment #3). Prior to the Annexation of the Paradise Valley CSA to the CLOWD, the Lake County Special Districts granted a “Will Serve” letter.

The proposed annexation is not located within the current Sphere of Influence for the CLOCWD but is contiguous to its water Sphere of Influence and District.

Staff recommends the Local Agency Formation Commission approve the Sphere Amendment by approving LAFCo Resolution 2021-0002. Staff also recommends the Commission approve the annexation of the 17.13-acre territory into the CLOCWD boundary subject to the terms and conditions stated in proposed Resolution 2021-0003.

Government Code Section 56662 allows the Commission to make determinations for uninhabited territory without notice and hearing provided there is 100 percent landowner consent. Since the subject territory is not currently within the CLOCWD Sphere of Influence, a public hearing is required.

#### B. Proposal and Justification

The purpose of the proposed project is to annex a total of 17.13 acres into the CLOCWD for municipal water services. The annexation territory is currently uninhabited meaning there is less than 12 registered voters. James Berger, the only landowner, has applied for a Sphere of Influence amendment and annexation.

Annexing this parcel will ensure adequate domestic water to serve the area and most importantly ensure fire protection for the site from a public water system.

When this area was adjacent to the Paradise Valley CSA, Lake County Special Districts indicated support for annexation. Likewise the CLOCWD (the successor agency) supports this annexation) Standard hook-up fees are required for the water system connections.

A Notice of Exemption is attached as Attachment #4

#### C. Location

The property is located at 8300 Highway 20 in Paradise Valley.

#### D. Purpose

The purpose of this annexation into the CLOCWD is for safe and reliable water supply.

II. ANALYSIS

A. Accepted for filing: February 15, 2021

B. Publication and Posting: February 17, 2021

C. Compliance with CEQA:

Lead Agency: Lake LAFCO  
Responsible Agency:  
Environmental Finding: Exempt  
Date of Finding: February 17, 2021

D. Compliance with applicable Plans:

The proposed annexation/sphere of influence conforms to the Lake County General Plan and Zoning Ordinance.

E. Compliance with applicable Spheres of Influence:

The Sphere of Influence for the CLOCWD is proposed to be amended to include the 17.13-acres

F. Existing Land Use and Zoning:

- LAND USE DESIGNATION: Rural Lands, Rural Residential, Suburban Reserve  
- ZONING: Rural Lands, Rural Residential and Suburban Residential  
- DWELLINGS: none  
- POPULATION: Uninhabited (less than 12 registered voters).  
- REGISTERED VOTERS: LESS THAN 12.

G. LANDOWNER (S): James Berger

H. Existing Land Use and Zoning for Surrounding Territory:

The current land use adjacent to the annexation area is Oak Woodland Residential, Commercial Winery, Vineyards and Equestrian Center.

- North: Forested Hillside, Low Density Residential
- South: Paradise Cove Residential Subdivision, SR 20
- East: Low Density Residential
- West: Kono Tayee

I. Proposed Development: None proposed at this time. Purpose is to provide domestic water to facilities located on the property and future land division.

J. Fiscal Data: According to Resolution 2021-07 of the Lake County Board of Supervisors Pertaining to Tax Revenue Exchange For Annexation to the CLOCWD, there will be no property tax exchange for both base property tax and incremental property tax for the territory to be annexed. This property is located in Tax Rate Area #061-022 and has an assessed value of \$23,844

K. Existing and Proposed Service Agencies:

Service:	Existing Provider:	Proposed Provider:
School Districts	Lucerne Elem School District	Same
Fire Protection	Northshore Fire Protection District	Same
General Government	Lake County	Same
Police Protection	Lake County Sheriff	Same
Off-site Drainage and Flood Control	Lake County	Same
Water and Wastewater	Onsite well and septic	on-site septic and well
Street Lighting	Lake County	Same
Roads	Lake County	Same
Emergency Services	Northshore Fire Protection District	Same

### III. SPHERE OF INFLUENCE Policy Analysis

Lake LAFCo Policies updated and adopted in 2020 require an amendment to the adopted sphere of influence plan when an agency seeks to annex territory not within its Sphere of Influence. The CLOCWD Sphere of Influence was adopted in 2013 and amended in 2016 to include a distinct water and wastewater SOI and the Lake County General Plan was adopted in 2008.

This analysis is for an amendment to the CLOCWD Water Sphere of Influence as most recently amended by LAFCo Resolution 2016.

## Policy Analysis

Lake LAFCo adopted Policies and Procedures regarding Amendments and Updates of Spheres of Influence (Section 3) on September 16, 2020. Below is a discussion of the applicable policy.

LAFCo will generally treat an update or a proposed amendment to an agency's Sphere of Influence similarly to an application for approval of a Sphere of Influence. Each of the following sets of policies apply to amendments to and updates of Spheres of Influence:

- i) General policies.
- ii) Specific policies and standards for Spheres of Influence and for Updates and Amendments thereto.

General Policies (Section 3.1) require an analysis of four factors as stated in Section 56425 (e) these are discussed below.

The site is vacant. Since this is the case, land in 17.13-acre area can be feasibly be served by the the CLOCWD. This sphere amendment is internally consistent with the existing CLOCWD sphere. An analysis by the district has been completed ensuring an adequate level of service can be provided to existing connections while serving one new hookup in this territory.

### Policy 3.4 (f)

Precedence of Amendments over Annexations. Sphere of Influence amendments shall precede the Commission's consideration of proposals for change of organization or reorganization.

The amendment discussion will precede commission action on the consideration of the annexation proposal.

### Policy 3.4 (g)

Demonstrated Need Required. An applicant for amendment to a Sphere of Influence must demonstrate a projected need or lack of need for service.

There is a need for services for this territory to be annexed since water quality is insufficient for domestic purposes. The CLOCWD has the ability to serve this territory with domestic water, which is the service being requested.

### Policy 3.4 (h)

Open Space and Prime Agricultural Land. Amendment proposals involving Sphere expansions, which contain open space or prime agricultural land will not be approved by

LAFCO if there is sufficient alternative land available to feasibly be annexed the existing Sphere of Influence.

The purpose of this proposal is to annex and provide one service connection to an existing dwelling. There is no active agricultural activities on the parcel and in its vicinity.

Pursuant to Government Code Section 56425, LAFCO must consider four specific issues prior to making written determinations to support its action in amending the Sphere of Influence for the CLOCWD. These are discussed in the following paragraphs:

1. The present and planned land uses in the area, including agricultural and open space lands.

Present and planned land uses in the area include rural lands type uses. The existing land uses surrounding the subject lands consist of small parcels with with commercial and residential lands uses. Land to the South are residential. Lands to the North, South and East are in the CLOCWD District and Sphere.

2. The present and probable need for public facilities and services in the area.

The current property within the 17.13-acre territory requires public water. The CLOCWD provides public water. Since a portion of the territory is planned and zoned for mixed use the need for reliable public water exists.

3. The present capacity of public facilities and adequacy of services that the agency is authorized to provide.

The CLOCWD provides water service to existing and proposed development in the Paradise Valley area. This territory is not included in the Sphere of Influence. The CLOCWD does not anticipate any restrictions in being able to provide water service to the parcel.

4. The existence of any social or economic land communities of interest in the area if the Commission determines that they are relevant to the community.

The subject territory is located contiguous to the CLOCWD and is proposed to be included within its boundaries and its Sphere of Influence. The CLOCWD is the only water service provider within the area.

5. A determination regarding Disadvantaged Unincorporated Communities is required for Sphere amendments involving Domestic Water, Wastewater and Fire protection.

There are no Disadvantaged Unincorporated communities not receiving domestic water services within or coterminous to this proposal.



Conclusion:

The above considerations are the basis to support the inclusion of 17.13 acres to the Sphere of Influence for the CLOCWD. Recommended actions are presented in accordance with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as they apply to the Sphere of Influence Studies.

IV. 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 are 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.
- (o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

These factors will be reviewed with regard to the Berger Annexation to the the CLOCWD.

- (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.

In 2016, CSA No. 16 Paradise Valley County Service Area was annexed into the CLOCWD. The CLOCWD had a remaining capacity of 254,000 gpd at the time, which is enough to serve 440 additional connections. The Paradise Valley Annexation obligated the district to provide 74 additional connections. With mandatory conservation,

the district capacity is much higher than anticipated leaving sufficient capacity to serve the annexation area.

- (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 the CLOCWD area in the next several decades. The annexation to the 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 CLOCWD serves the Community Clearlake Oaks and Paradise Valley. Growth of the district depends on growth in and around the community and capacity.

- (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 (Government Code) Section 56377.

The annexation is within the sphere territory, as amended.

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

There should be no impact since no new development is contemplated and the annexation area is located in an area more suitable for development with zoning and general plan designations for this purpose.

- (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 and follow assessment boundaries