

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.lakelafo.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)

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Find your local number: <https://us02web.zoom.us/j/85857787809?pwd=R0UxZ1QwbIRxaHBqem1vMzVFUFZSZz09>

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 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

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

Commissioners

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)

Staff

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

Commission Alternate Members

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

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. Agenda packets are located on the Lake LAFCo Webpage at www.lakelafco.org

Item #2

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

Bruno Sabatier, Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

[illegible]

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 ²⁰²¹⁻⁰⁰⁰³ ~~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

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

The proposed annexation is consistent with the Lake County General Plan and Zoning Ordinance.

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

The annexation does not conflict with the Sphere of Influence of any other district.

- (i) The comments of any affected local agency.

None received.

- (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 CLOCWD has the ability to provide the annexation area with municipal water service.

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

The CLOCWD is able to provide domestic water service this area.

- (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.

It is unknown how this proposal will affect regional fair shares of regional housing needs.

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

The landowner is in favor of the annexation.

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

The proposed project conforms to the Lake County General Plan and Zoning Ordinance
The land use designation is low density and rural residential nad Rural Lands

- (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.

There are no issues associated with environmental justice with this proposal.

Lake LAFCO General Policies

Policy		Comment
Communication between local agencies is encouraged.	N/A	N/A
Urban development proposals shall include annexation to a city where possible.	N/A	The Territory is not planned or zoned for urban density development.
LAFCO will normally deny proposals that result in urban sprawl.	N/A	This project is not planned or zoned for urban density development
Environmental consequences (CEQA) shall be considered.	Consistent	NOE
LAFCO will consider the impact of a proposal on the regional supply of housing for all income levels.	N/A	
LAFCO will favor proposals that promote compact urban form and infill development.	N/A	
Government structure should be simple, accessible, and accountable.	Consistent	There is no indication of unnecessary complexity or lack of accessibility or accountability.
Agencies must provide documentation that they can provide service within a reasonable period of time.	N/A	The CLOCWD supports this annexation and will have the capacity to serve.
Efficient services are obtained when proposals: Utilize existing public agencies. Consolidate activities and services. Restructure agency boundaries to provide more	N/A	

logical, effective, and efficient services.		
Adverse impacts on adjacent areas, social and economic interests and the local government structure must be mitigated.	N/A	
Conformance with general & specific plans required.	Consistent	
<p>Boundaries:</p> <p>Definite boundaries are required.</p> <p>Boundaries that are favored:</p> <p>Create logical boundaries & eliminate islands or illogical boundaries.</p> <p>Follow natural or man-made features and include logical service areas.</p> <p>Boundaries that are disfavored:</p> <p>Split neighborhoods or communities.</p> <p>Result in islands, corridors, or peninsulas.</p> <p>Drawn for the primary purpose of encompassing revenue-producing territories.</p> <p>Create areas where it is difficult to provide services.</p>	Consistent	
Revenue neutrality required for all proposals.	Consistent	
<p>Agricultural and Open Space Land Conservation Standards:</p> <p>Must lead to planned, orderly & efficient development.</p> <p>Approved Sphere of Influence Plan required.</p> <p>Findings with respect to alternative sites required.</p> <p>Impact on adjacent agricultural/open space lands assessed.</p> <p>Agricultural Buffers</p>	Consistent	
<p>Need for services exists when:</p> <p>Public health and safety threat exists.</p> <p>The residents have requested extension of non-growth-inducing community services.</p> <p>Subject area is likely to be developed for urban use within 5 years.</p>	Consistent	
<p>Exceptions are justified on the following grounds:</p> <p>Unique.</p> <p>Standards Conflicts.</p> <p>Quality/Cost.</p> <p>No Alternative.</p>	Consistent	No policy exceptions are needed

Annexation and Detachment Policies—Lake LAFCO General

Policy		Comment
Proposals must be consistent with LAFCO general policies.	Consistent	This annexation contiguous with the district boundaries
A proposal must be consistent with the agency's Sphere Plan.	Consistent	The proposal is consistent.
Plan for Services required.	N/A	
Subject territory must be contiguous to the agency's boundaries if required by law, or if necessary for efficient service delivery.	Yes	This territory is contiguous with the existing district boundary.
The detachment is necessary to ensure delivery of services essential to Health and Safety.	N/A	
The Successor provider will be the most efficient service provider	N/A	
The service plans for districts, which lie within a City's Sphere of Influence should provide for orderly detachment of territory from the district or merger of the district as district territory is annexed to the City.	N/A	
Detachment from a City or Special District shall not relieve the landowners within the detaching territory from existing obligations for bonded indebtedness or other indebtedness previously incurred.	N/A	
Adverse impact of detachment on other agencies or service recipients is cause for denial.	N/A	
Action options include: Approval. Conditional approval to require only a portion of the area to be detached. Denial.		

V. Comments from the public and public agencies.

None Received

VI. Staff Recommendations

Staff recommends approving the Sphere of Influence update by adopting Resolution 2021-0002, and

Staff recommends the Commission approve the Annexaton by adopting Resolution 2021-0003-0010 including terms and conditions.

Respectfully Submitted,

John Benoit,
Executive Officer

Attachments:

Attachment #1 LAFCo Resolution 2021-0002 Sphere of Influence to include 17.13-acres into the CLOWD water Sphere of Influence

Attachment #2 LAFCo Resolution 2021-0003, Annexation of 17.13 acres more or less

Attachment #3 Resolution from the CLOCWD

Attachment #4 Notice of Exemption

Resolution 2021-0002
Lake Local Agency Formation Commission
Lake County, California

*Making Determinations and Approving a Sphere of Influence
Amendment for the Water Sphere of Influence to include 17 additional acres more or less in the
Clearlake Oaks County Water District (CLOCWD) Sphere of Influence*

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission ("LAFCo") adopt Spheres of Influence for all agencies in its jurisdiction and to review those spheres for possible update every five years; and

WHEREAS, proceedings for adoption, update and amendment of a Sphere of Influence are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 et seq. of the Government Code; and

WHEREAS, Government Code Section 56425 defines the purpose of a Sphere of Influence Plan as assisting a LAFCo to carry out its responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities; and

WHEREAS, such a plan will be utilized by members of the public, public agencies, service providers and affected property owners to ascertain the timing of development and expected scope and provision of public services; and

WHEREAS, the Sphere of Influence Plan is a flexible document that may be amended to accommodate changes in development patterns and local circumstances and, further, will be reviewed in five years, as necessary; and

WHEREAS, California Government Code Section 56430 requires the Commission to conduct service reviews of the provision of municipal services prior to or in conjunction with action to update or adopt a sphere of influence; and

WHEREAS, on January 20, 2015, following a public hearing, Lake LAFCo adopted Resolution 2016-0001 approving a Water Sphere of Influence plan for the CLOCWD; and

WHEREAS, it is the desire for the landowners to receive public water thereby requiring an amendment to the CLOCWD Water Sphere of Influence; and,

WHEREAS, there is no other service provider in the Clearlake Oaks County Water District area who can provide the desired water services; and,

WHEREAS, The CLOCWD has prepared a Notice of Exemption using Class19-Annexations of existing facilities.

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon the amendment of the sphere of influence of CLOCWD; and,

WHEREAS, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented at said hearing;

NOW, THEREFORE, the Lake Local Agency Formation Commission hereby determines the following:

1. *The Commission's purposes and responsibility.*

The proposed amendment and update of the sphere of influence of the district, including the conditions established herein, is consistent with the Commission's policies, purposes and responsibility for planning the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities.

2. *Considerations specified in Government Code Section 56425(e).*

The Commission has considered the documentation in this matter, including the Municipal Service Review and Sphere of Influence Plan documentation provided and comments submitted by the district and other interested agencies and individuals as they relate to the following considerations stated in Government Code Section 56425(e): (1) the present and planned land uses in the area, including agricultural and open space lands; (2) the present and probable need for public facilities and services in the area; (3) the present capacity of public facilities and adequacy of public services which the agencies provide or are authorized to provide; (4) the existence of any social or economic communities of interest in the area; (5) the presence of Disadvantaged Unincorporated Communities, as detailed below:

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

Land use designations in the County General Plan allow for the existing residence in the territory for the densities, which exist.

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

Current development requires the water services provided by the district.

c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*

The CLOCWD has sufficient capacity to extend services to the territory proposed to be included in its sphere of influence.

d. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.*

No relevant communities of interest are noted excepting the parcel is in the Clearlake Oaks Service area.

e. *The existence of Disadvantaged Unincorporated Communities.*

There are no Disadvantaged Unincorporated Communities within and around the sphere amendment area that currently do not receive domestic water.

NOW, THEREFORE, the Lake Local Agency Formation Commission also makes the following findings and determinations:

1. The Commission finds that the amendment of the Sphere of Influence Plan for the CLOCWD is consistent with the land use designations of the County of Lake.
2. The Commission, as a Responsible Agency for the purposes of the California Environmental Quality Act (CEQA), hereby recognizes that there is no substantial evidence, in light of the whole record, that the amendment of the District's sphere of influence to include additional

territory, will result in a significant effect on the environment and no unusual circumstances exist.

AND, FURTHER, the Commission resolves and orders the following:

- 1) The CLOCWD Sphere of Influence Map, amended to include the subject territory is included herein as *Exhibit A*, is hereby adopted by the Commission.
- 2) All changes of organization or reorganization for CLOCWD must be consistent with the updated Sphere of Influence Plan and Map.
- 3) All changes of organization or reorganization for the CLOCWD must be consistent with adopted LAFCo Policies and Procedures.
- 4) The Commission hereby affirms the Notice of Exemption pursuant to Section 15319 of the CEQA Guidelines.
- 5) The foregoing resolution was duly passed by the Lake Local Agency Formation Commission at a meeting held on March 17, 2021, by the following roll call vote:

Ayes:

Noes:

Abstentions:

Absent:

Signed and approved by me after its passage this 17th day of March 2021.

Bruno Sabatier, Chair
Lake LAFCo

Attest:

John Benoit, Executive Officer

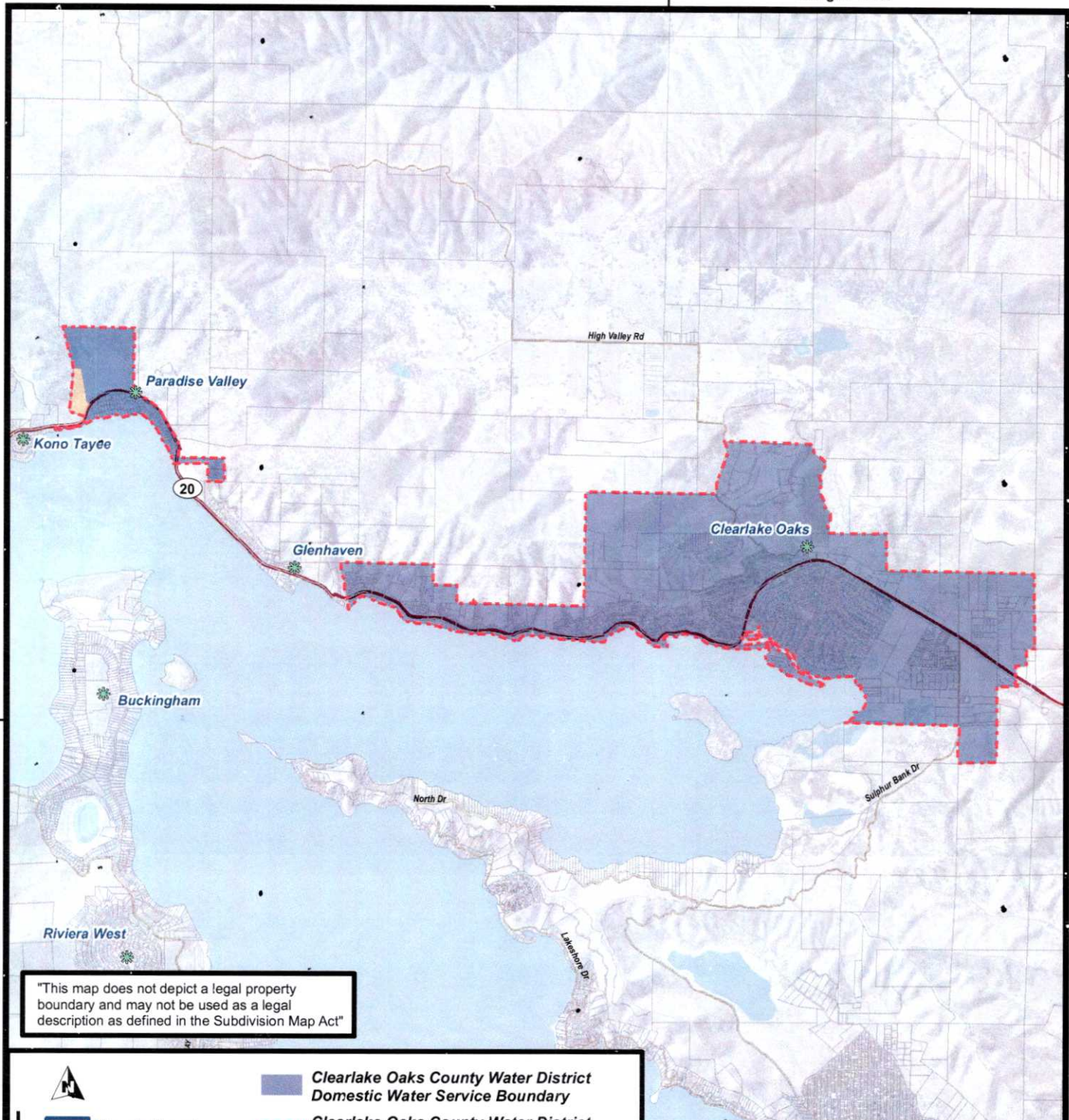
CLEARLAKE OAKS COUNTY WATER DISTRICT DOMESTIC WATER SERVICE

Range 8 West

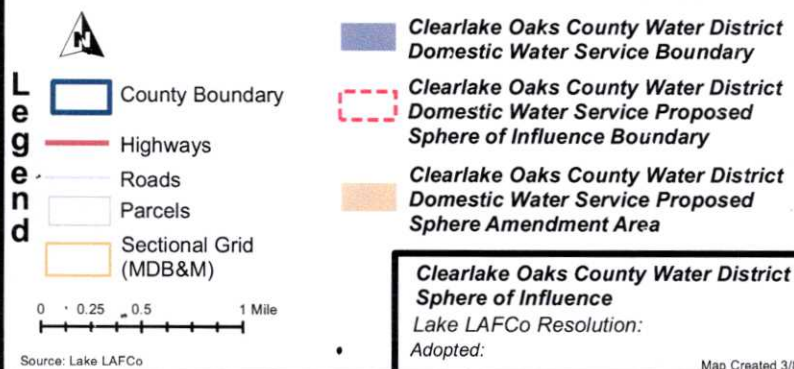
Range 7 West

Township 14 North

Township 13 North



"This map does not depict a legal property boundary and may not be used as a legal description as defined in the Subdivision Map Act"



Resolution # 2021-0003

Attachment #2

**LAKE LOCAL AGENCY FORMATION
COUNTY OF LAKE,
STATE OF CALIFORNIA**

A Resolution Making Determinations and Approving the Annexation of 17.13 acres to the Clearlake Oaks County Water District –LAFCO File 2017-0004

WHEREAS James Berger has filed an application to annex 17.13 acres into the Clearlake Oaks County Water District (CLOCWD) known as LAFCO File 2019-0007, Berger Annexation to the Clearlake Oaks County Water District (CLOCWD). 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, the CLOCWD was formed to provide domestic water services and other services as provided for in section 30000 et seq. of the California Water Code; and

WHEREAS, The Commission has adopted a Sphere of Influence Amendment to include the 17.13 acre territory and adopted Resolution 2021-0002.

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 2021-07 on January 12, 2021 pertaining to the Tax Revenue Exchange for this annexation; and

WHEREAS, this Commission has considered the Notice of Exemption, 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 March 17, 2021.

WHEREAS, it is desired that the proposed annexation to the CLOCWD be subject to the following terms and conditions:

NOW, THEREFORE IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Lake County 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 consented to this annexation into the CLOCWD.
3. In reviewing this application, the Commission finds that water services to be provided by the CLOCWD are necessary and that there will not be a duplication of other powers provided by any other service provider.
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. Notwithstanding the effective date, 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 March 17, 2021, the amount of base property tax and tax increment transferred shall be in accordance with Lake County Resolution 2021-07 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: Berger Annexation to the CLOCWD (LAFCO File 2016-0004).
11. The boundaries of the affected territory are found to be definite and certain.
12. The application for the annexation to the CLOCWD (LAFCO 2019-0007) is hereby approved to provide domestic water services within the territory subject to the terms and conditions herein.
13. Further protest proceedings are waived and the Commission orders the 17.13-acre annexation to the CLOCWD 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, the proposal is within the water Sphere of Influence for the CLOCWD, 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 CLOCWD without notice and election.

14. All CLOCWD previously authorized assessments; taxes, fees and charges shall apply to this annexed territory upon recordation of the Certificate of Completion.
15. All costs associated with and incurred or costs to be incurred by all parties to this annexation will be the sole responsibility of the landowner including but not limited to State Board of Equalization Fees, yet to be determined, initial and final mapping charges, Any district assessment engineering charges and administrative charges. Further, all State of California, County of Lake, and Lake LAFCo fees will be paid in full prior to the filing of the Certificate of Completion.
16. A geographic description and map suitable for filing with the County of Lake Recorder's office and the State Board of Equalization shall be prepared and approved by the County Surveyor at the expense of the applicant previous to filing the Certificate of Completion. The map and description shall comply with all requirements of the State Board of Equalization, and if they are rejected by the Board of Equalization or the County of Lake's Recorder's office, they shall be revised at the expense of the applicant.
17. The effective date shall be the date the Certificate of Completion is recorded.
18. 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 five copies of the final wet stamped geographic description shall be submitted to LAFCO prior to recordation of the Certificate of Completion.
19. 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.
20. 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.
21. The Commission hereby adopts a Notice of Exemption as included in the Executive Officer's report for this annexation. The applicant shall be responsible for payment of any documentary handling fees required by the Lake County Clerk/Auditor.

22. 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.
23. 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.

PASSED AND ADOPTED at a regular meeting of the Lake Local Agency Formation Commission on the 17th day of March 2021 by the following votes:

AYES:
NOES:
ABSTAINS:
ABSENT:

Bruno Sabatier, Chair, Local Agency
Formation Commission

LAKE LOCAL AGENCY
FORMATION COMMISSION
ATTEST:

JOHN BENOIT
Executive Officer

EXHIBIT 'A'
LAKE LAFCO FILE NO. 2019-0007
Amendment to CSA #16
Berger Annexation to the Clearlake Oaks County Water District

Located in Section 21 & 28, T.14N., R. 8W., M.D.B.&M.
Lake County, California

GEOGRAPHIC DESCRIPTION

Beginning at point on the boundary of the existing CSA #16, as described in the Paradise Valley Annexation under Lake LAFCO File No. 2015-0005, filed for record, June 6, 2019 under Document No. 2019-006767, Lake County Records, at the westerly terminus of Course No. 12 (West 239.42 feet);

Course 1. from said **POINT OF BEGINNING**, following the existing CSA #16 boundary for the next nine (9) courses, due East 239.42;

Course 2. on a non tangent curve to the right, having a radial bearing of South 70°04'58" West, with a radius of 2,795.00 feet, through a central angle of 18°33'11", for a distance of 905.05 feet;

Course 3. South 02°21'43" East, for a distance of 86.89 feet;

Course 4. North 85°53'54" East, for a distance of 28.73 feet;

Course 5. South 03°53'33" East, for a distance of 139.10 feet;

Course 6. South 58°25'55" East, for a distance of 92.84 feet;

Course 7. South 53°28'40" East, for a distance of 50.00 feet to the centerline of State Highway 20; thence along said highway centerline the following two (2) courses;

Course 8. on a non tangent curve to the left, having a radial bearing of South 53°28'40" East, with a radius of 900.00 feet, through a central angle of 22°53'20", for a distance of 359.54 feet;

Course 9. South 13°38'00" West, for a distance of 141.00 feet; thence leaving said existing boundary of CSA #16;

Course 10. North 76°22'00" West, for a distance of 540.00 feet;

Course 11. North 5°21'29" East, for a distance of 1527.41 feet to the Point of Beginning of the hereinabove described parcel of land;

Containing 17.1 acres of land, more or less.

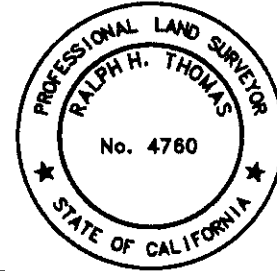
The above description is for assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

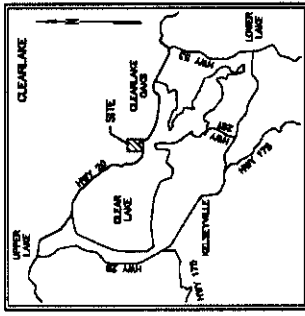
Prepared by:

BKF ENGINEERS

Ralph H. Thomas
Ralph H. Thomas, PLS. No. 4760

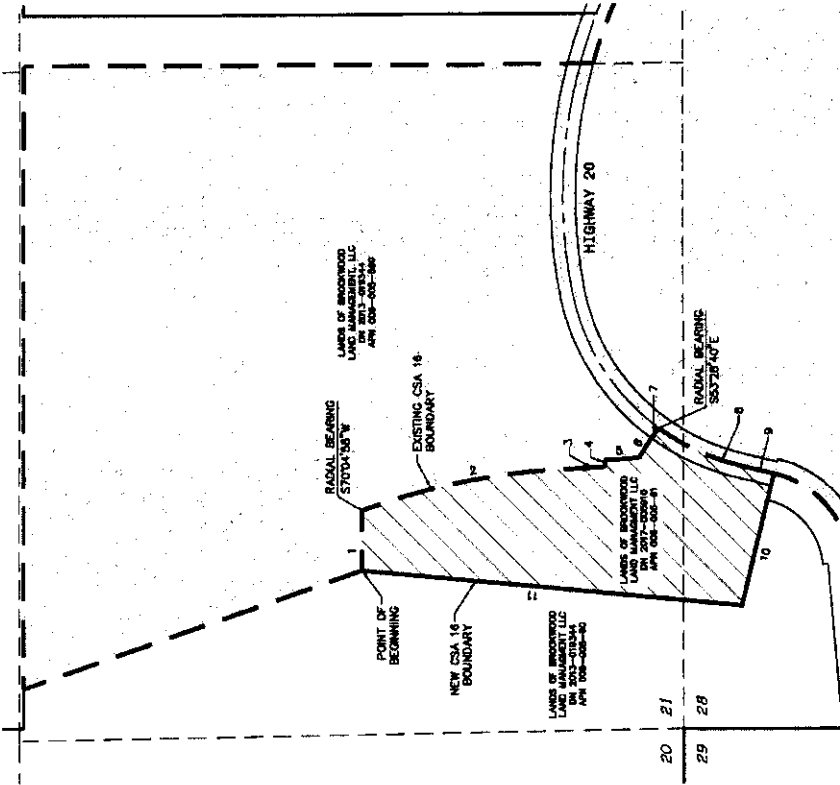
Dated: 11-18-20





VICINITY MAP
NOT TO SCALE

DISCLAIMER
THE ABOVE DESCRIPTION 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 DESCRIBED.



LEGEND
--- EXISTING CLEARLAKE OAKS COUNTY WATER DISTRICT BOUNDARY ESTABLISHED BY PARADISE VALLEY ANNEXATION TO CLEARLAKE OAKS COUNTY WATER DISTRICT, L.C.A., LAFCD FILED 2015-0005
--- PROPOSED WATER DISTRICT BOUNDARY
--- EXISTING PROPERTY LINE
--- EXISTING SECTION LINE
--- AREA TO BE ANNEXED (17.15 ACRES)
--- CLEARLAKE OAKS WATER DISTRICT

COURSE TABLE	
1	N60°00'00"E 238.42'
2	R=2795.00' Δ=18°33'11" L=905.00'
3	S02°21'43"E 66.28'
4	N65°35'34"E 28.73'
5	S03°53'33"E 138.10'
6	S56°25'55"E 92.84'
7	S53°26'40"E 80.00'
8	R=800.00' Δ=22°53'20" L=528.34'
9	N15°30'00"E 141.00'
10	S78°22'00"E 540.00'
11	S08°21'28"W 1827.41'

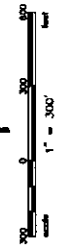
EXHIBIT 'B' LAKE LAFCD FILE NO. 2019-0007 BERGER ANNEXATION TO CLEARLAKE OAKS COUNTY WATER DISTRICT

BEING A PORTION OF SECTIONS
21 & 28, T.14N., R.22E., N.3.E. 4M

COUNTY OF LAKE
STATE OF CALIFORNIA
NOVEMBER 2020



11-18-20
BALPH H. THOMAS
PLS 4760



[illegible]


1 This Resolution was passed and adopted by the Board of Supervisors of the County of
2 Lake at a regular meeting thereof on January 12, ~~2020~~ by the following vote:

3 AYES: Supervisors Simon, Crandell, Scott, Pyska, and Sabatier

4 NOES: None

5 ABSENT OR NOT VOTING: None

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

8 By: 
9 Deputy


Chairman, Board of Supervisors

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



CLEARLAKE OAKS COUNTY WATER DISTRICT

P.O. Box 709, 12952 E. Hwy. 20

CLEARLAKE OAKS, CA 95423

(707) 998-3322

RESOLUTION NO. 20-01

**THE BOARD OF DIRECTORS
OF THE CLEARLAKE OAKS COUNTY WATER DISTRICT**

**A RESOLUTION OF THE CLEARLAKE OAKS COUNTY WATER
DISTRICT REQUESTING THE LAKE LOCAL AGENCY FORMATION
COMMISSION TO:**

Resolution of the Clearlake Oaks County Water District Requesting the Lake Local Agency Formation Commission to:

1. Amend sphere of influence of Clearlake Oaks County Water District (CLOCWD) to include 17.13 acres more or less into the domestic water Sphere of Influence.
2. Annex 17.13 acres known as the Berger Annexation.

Resolved by the Board of Directors of the Clearlake Oaks County Water District that:

WHEREAS, the Clearlake Oaks County Water District desires to initiate proceedings pursuant to Cortese Knox Hertzberg Local Government Reorganization Act of 2000 commencing with California Government Code Section 56000 to initiate a minor sphere of influence amendment and reorganization as noted above.

WHEREAS, at the time and manner provided by law, Clearlake Oaks County Water District provided notice of the date, time and place of public meeting by the District Board of Directors to initiate these proceedings; and

WHEREAS, Notice of Intent to adopt this Resolution of Application has not been given to each interested and subject agency; and

WHEREAS, there are no affected cities or other special districts within the meaning of subdivision (2) of Section 56700 of the Government Code that can provide the same service; and

WHEREAS, the territory proposed to be reorganized is uninhabited and maps of the boundary of the proposed reorganization area is set forth in exhibit A attached hereto and be this reference incorporated herein; and

WHEREAS, this proposal will be consistent with the Clearlake Oaks County Water District domestic water sphere of influence once approved as that is also an element of this application; and

WHEREAS, a recent reorganization has been approved annexing the Paradise Cove CSA #16 including a significant portion of the Berger parcel to the Clearlake Oaks County Water District and amending the Sphere of Influence for a significant portion of the Berger parcel for domestic water services; and

WHEREAS, the land owner has expressed an interest in having the Clearlake Oaks County Water District supply domestic water to their property; and

WHEREAS, the only reasonable and logical alternative for domestic water service to serve this area is through annexation to the Clearlake Oaks County Water District; and

WHEREAS, as the lead agency, the Clearlake Oaks County Water District has determined that the reorganization is not a "project" and is categorically exempt pursuant to the California Environmental Quality Act (CEQA).

WHEREAS, in accordance with Government Code Section 56653, the Clearlake Oaks County Water District Board has prepared and adopted "Plan for Services" and attached here to as Exhibit B.

NOW THEREFORE BE IT RESOLVED, this resolution of application is approved and adopted by the Board of Directors of the Clearlake Oaks County Water District and requests the Lake Local Agency Formation Commission to:

1. Take proceedings to annex the 17.13 acres more or less to the Clearlake Oaks County Water District in the manner as described in this resolution.
2. Amend the Clearlake Oaks County Water District sphere of influence to include the 17.13 acre more or less annexed territory into the water Sphere of Influence for the Clearlake Oaks County Water District.

THE ABOVE RESOLUTION is hereby passed and adopted by the Board of Directors of the Clearlake Oaks County Water District at a Regular Meeting thereof held on the 19th day of March 2020, by the following vote:

AYES: MEDFORD, ARTHUR, BOULMER, HIGHMAN, HERMAN

NOES:

ABSTAIN:

ABSENT:

CLEARLAKE OAKS COUNTY WATER DISTRICT

By:


Stanley Archacki, Vice President

Attest:


Olivia Mann, Board Secretary

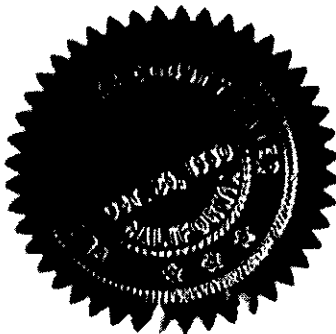
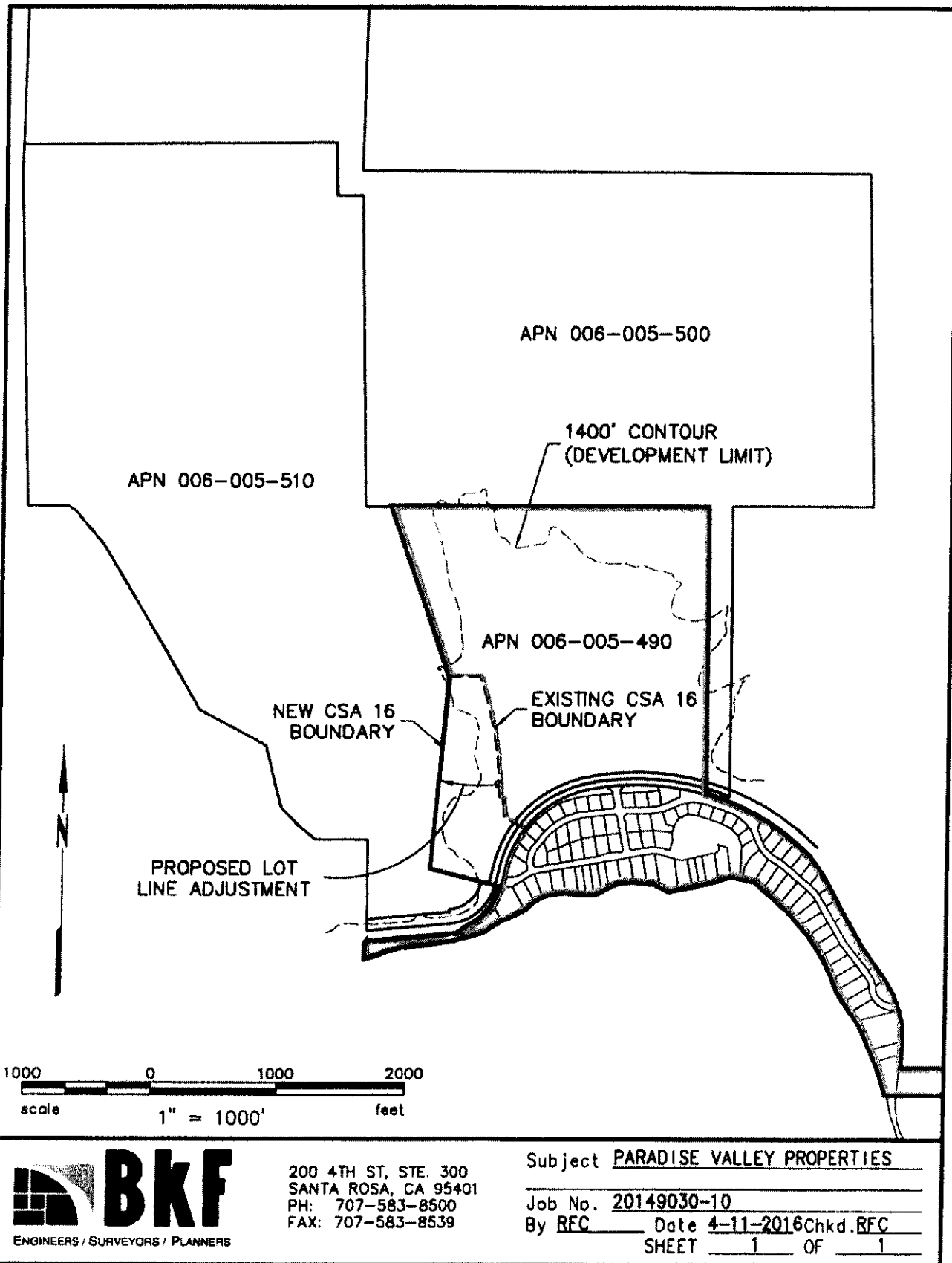


Exhibit A



Plot Jun 21, 2017 at 12:12pm

149030_EXH-PROPERTY MAP.dwg

COPYRIGHT © 2017 BKF ENGINEERS

LANDS OF BROOKWOOD
LAND MANAGEMENT, LLC
DN 2013-019344
APN 005-005-50

ALL 'A'
SCALE

BROOKWOOD
EMENT, LLC
-019344
-005-51

EL TWO
PM 7

3W, M.D.B.&M

21

28

PROPOSED
LOT LINE

LANDS OF BROOKWOOD
LAND MANAGEMENT, LLC

N90°00'00"W
239.42'

L=905.05'

LINE TO BE
ABANDONED

AREA
17.13± ACRES

N01°21'51"W
TANGENT
BEARING

BUILDING

SEE DETAIL 'A'

STATE HW

L=359.54'
R=900.00'
Δ=22°53'20"

N13°38'00"E
141.00'

POINT

540.00'
S76°22'00"E

**WILL-SERVE LETTER
GENERAL CONDITIONS**

Brookwood Land Management LLC
861 Wildwood Trail
Santa Rosa, CA. 95409

February 12, 2015

Re: Will-Serve Letter for Paradise Valley Ranch Development Project

To Whom It May Concern:

County Service Area No. 16 - Paradise Valley (hereinafter, the "CSA") has been asked to provide a will-serve letter in relation to the development of that property known as Paradise Valley Ranch (more fully described in Exhibit "A" attached hereto and incorporated herein by reference) by Brookwood Land Management LLC (hereinafter, the "Developer"). The proposed project consists of the construction of 77 residential lots, an Equestrian Center, and an Agricultural Commercial parcel, planned directly to the north of the existing Paradise Cove subdivision that includes the infrastructure known as County Service Area 16 Paradise Valley Water System. The Housing Equivalent (HE) connections of Paradise Valley Ranch for purposes of projecting the total water needs of the project are: residential (HE=77), equestrian center (HE=2), and agricultural commercial (HE=13), for a total housing equivalent of (HE=92) (hereinafter, the "Project"). This Project is or will be part of the CSA until such time, if any, when the CSA is dissolved and annexed to the Clearlake Oaks County Water District (hereinafter, the "District"), at which time the Project will be or will become part of the District. Whether part of the CSA or part of the District, the Project will remain subject to the conditions of this Will-Serve Letter and the Developer will remain entitled to public water service should said conditions be met.

A General Plan of Development 12-01 has been approved for the Project, subject to approval of a use permit for Specific Plan of Development and tentative merger and resubdivision map. A condition of the General Plan of Development is that prior to the approval of use permit(s) for Specific Plan of Development, the Developer must submit an updated Water Supply and Treatment System Conceptual Plan identifying the proposed water source and a plan for its development. A will-serve letter is necessary for the fulfillment of that condition.

The CSA hereby acknowledges and agrees that in the event that any future request is made for new public water service by any owner(s) of the 77 lots, equestrian center, and agriculture commercial parcel (hereinafter, the "Lots") referred to in the Project description, that all costs, fees, charges, and assessments associated with the CSA's provision of new public water service to one or more of the subject Lots shall be borne,

to the greatest extent legally possible, by the person(s) requesting the CSA's provision of water service. The undersigned parties to this will-serve letter agree that the following terms and conditions shall govern the CSA's future provision of new public water service to the subject Lots described herein. The undersigned parties further agree that all applicable state laws, regulations, and permit requirements apply to the provisions of this will-serve letter.

1. The CSA has determined that it will only have an adequate water supply, water treatment and storage capacity to serve the Project and the full build-out within the CSA if Developer makes several phased improvement to the CSA water system. Should the conditions described in this Will-Serve Letter be met, Developer is entitled to public water service provided by the CSA for the Project.
2. The CSA and the County of Lake, its officers, officials, employees and volunteers (hereinafter, the "County") shall be held harmless, defended, and indemnified from and against all claims, damages, losses and expenses including attorney fees arising out of the Project as it pertains to water service caused in whole or in part by any negligent act or omission of the Developer, except where caused by the active negligence, sole negligence, or willful misconduct of the CSA.
3. Developer shall comply with the conditions of General Plan of Development 12-01, and any use permit(s) for Specific Plan of Development.
4. Developer and the CSA acknowledge and agree that water service cannot be provided to Developer unless and until improvements are made to the existing CSA water system. Said improvements include an inter-tie connection pipeline to the Clearlake Oaks County Water District water system and installation of a water tank as specified in Condition 5 below (hereinafter, the "Pipeline and Water Tank Project"). The CSA acknowledges that the Pipeline and Water Tank Project, while necessary for the CSA to provide water service to the Project, will also benefit the CSA because said improvements will result in an additional 150,000 gallons of storage for the CSA. Therefore, the entire cost shall not be borne by the Developer but shall be shared by the CSA on an equal basis. In the event of unforeseen costs or cost overruns related to the Pipeline and Water Tank Project, the Developer agrees to cover these costs initially up to a maximum amount of \$200,000. The CSA shall then reimburse the Developer the CSA's share of said costs through the formation of an assessment district or through an equivalent process. Should such a financial mechanism as described in this paragraph be unsuccessful, the CSA and the Developer agree to evaluate other alternatives.
5. Developer and the CSA acknowledge and agree that any new public water service proposed to be provided by the CSA for those Lots identified in Attachment A shall be subject to the following conditions and requirements:

a. The General Plan of Development (GPD 12-01) requires that the Developer shall submit for approval an updated water supply and treatment system plan prior to approval of use permits for a Specific Plan of Development. Said water system plan shall also require the approval by the State Water Resources Control Board-Division of Drinking Water.

b. Connection Pipeline to CLOCWD (see Exhibit "B", Feasibility Study-Service Expansion from Clearlake Oaks County Water District, 6/27/14). The County and the Developer agree that the parties will implement the Pipeline and Water Tank Project and provide cost sharing as follows:

(i) 10,650 LF 8 inch dia. Pipeline - estimated cost: \$1,753,000 that includes:

- meter replacement
- modifications to CSA 16 connections in Paradise Valley and disconnecting existing CSA wells
- repair/replace existing water mains within CLOCWD system required for connection to 8-inch pipeline – approximately 500 lf of 2-inch diameter pipe with 6-inch diameter pipe.
- modifications to existing and new CSA 16 water tank (aeration/mixing device), altitude valve in one tank
- re-coating existing water tank
- SCADA computer system upgrades to be compatible with CLOCWD
- Caltrans encroachment permit costs
- Lake County LAFCO process costs
- environmental review/CEQA documentation costs
- Developer to pay: \$375,000
- DWR Grant to pay: \$1,378,000

(ii) Storage Tank -150,000 gallon storage tank - estimated cost: \$400,000
Cost to be divided as follows: First, from any unused grant funds from Condition 5(b)(i) hereinabove. Next, in the same manner as described in Condition 4 hereinabove.

- (iii) The CSA shall implement and perform the Pipeline and Water Tank Project (obtain all permits and retain all contractors *except as otherwise specified herein*), subject to the cost-sharing arrangement between Developer and CSA as specified herein and in Condition 4 hereinabove. The CSA shall not be responsible for retaining engineering services associated with the Pipeline and Water Tank Project; costs for said services shall be borne by Developer as part of Developer's cost-sharing specified in Condition 5 (b)(1) hereinabove.
6. The CSA shall be paid capacity charges applicable to the Project based upon the Project's physical characteristics and the service connection fees for each metered service in effect in the CSA at the time of the payment of said fees and/or charges. Should the CSA be annexed to the District, the District shall be paid capacity charges applicable to the Project based upon the Project's physical characteristics and the service connection fees for each metered service in effect in the District at the time of the payment of said fees.
 7. Developer and the CSA agree that prior to any sale or acquisition of any interest in any of the Lots, Developer is hereby required to have provided to those persons and/or entities contemplating an acquisition of any interest in the Lots, notice of this will-serve letter and the terms and condition provided herein.
 8. This will-serve letter pertains only to the specific proposed Project and the CSA's provision of new public water service to the Project. This will-serve letter is not intended to offer any guarantee or assurances of approval as to any use permits, environmental review, and/or does not guarantee or assure Developer of the approval of the State Water Resources Control Board-Division of Drinking Water. This will-serve letter does not reduce and/or eliminate the Developer's obligation to adhere to state and local legal requirements in the course of the development of this Project.
 9. Developer's acceptance of this Will-Serve Letter does not obligate Developer to proceed with the Project or the Pipeline and Water Tank Project. Developer's acceptance of this Will-Service Letter does obligate Developer to meet the conditions described herein in order to be entitled to public water service for the Project. Should no agreement be reached between the CSA and the District regarding the dissolution of the CSA and its annexation to the District, the improvements specified in Condition 4 herein cannot be made and this Will-Serve Letter shall be deemed void.

Sincerely,



Mark Dellinger
Special Districts Administrator

APPROVED AND ACCEPTED BY DEVELOPER

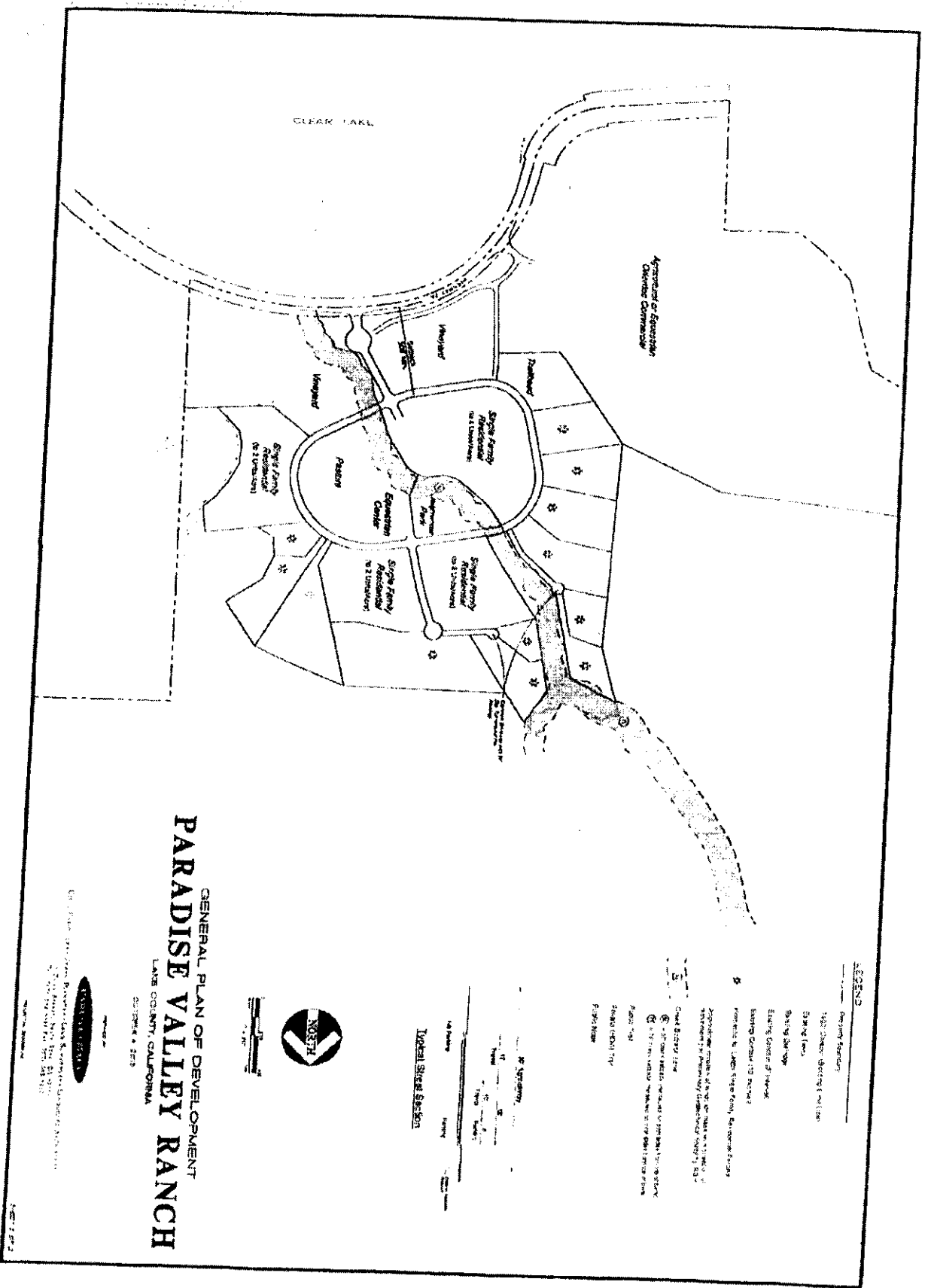
I, James E. Berger have read, understood, and agree to the foregoing will-serve conditions. I represent and warrant that I am duly authorized and have legal capacity to execute and deliver this agreement.

Brookwood Land Management LLC by:
Name: JAMES E. BERGER

Date: February 12 2015

Title: Member

Project Name: Paradise Valley Ranch



NOTICE OF EXEMPTION

TO: County Clerk
County of Lake
Lakeport, CA

FROM: Lake LAFCO
P.O. Box 2694
Granite Bay, CA 95746

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

PROJECT LOCATION: 8300 Highway 20 in Paradise Valley

DESCRIPTION OF PROJECT:

The proposed project involves the annexation of 17.13 acres of territory to the CLOCWD.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

Lake Local Agency Formation Commission

NAME OF PERSON OR AGENCY CARRYING OUT THE PROJECT:

Lake Local Agency Formation Commission

EXEMPT STATUS:

Categorical Exemption, Section 15319 "Annexations of existing facilities and lots for exempt facilities," CEQA Guidelines and Section 15320, Changes in Organization of Local Agencies and 15061b (3) General Rule Exemption.

REASONS WHY THIS PROJECT IS EXEMPT:

This action is Exempt from the California Environmental Quality Act pursuant to Sections 15319 and 15320 of the CEQA Guidelines (Classes 19 and 20) as the Annexation would not result in any change allowed under the General Plan and 15061 b (3) whereby this activity is covered by the general rule that CEQA applies only to project which has the potential for causing a significant effect on the environment. No conditions have changed nor could be changed as a result. There are no unusual circumstances associated with this annexation.

CONTACT PERSON:
John Benoit
LAFCO Executive Officer

TELEPHONE NUMBER:
(707) 592-7528

By: _____

Date: March 17, 2021