

Lake Local Agency Formation Commission

Regular Meeting Agenda

November 19, 2014 -- 9:30 am

City of Lakeport – City Council Chambers

225 Park Street, Lakeport , California

Website: www.lakelafco.org

“Lake LAFCo oversees orderly development and protects natural resources and agricultural lands”

Commissioners

Ed. Robey, (Public Member)
Frank Gillespie (Special District Member)
Denise Loustalot , (City Member)
Stacey Mattina, Chair (City Member)
Gerry Mills, (Special Dist. Member)

Alternates

Jeff Smith (County Alternate)
Martin Scheel (City Alternate)
Jim Abell, (Spec. District Alternate)
Suzanne Lyons (Public Alternate)

Denise Rushing (County Member)
Jim Comstock , Vice Chair (County Member)

Staff

John Benoit, Executive Officer
P. Scott Browne, Legal Counsel
Vacant, Clerk to the Commission

1. Call to Order – Roll Call

2. Approval of Minutes – September 17, 2014 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

Action: Review and authorize payment of expenses for September and October 2014

Public Hearing:

5. Continued Public Hearing regarding the Service Review for the Watershed Protection District.

- a. *Review the revised hearing draft Service Review based on the September 17, 2014 hearing; consider comments and discuss and consider Resolution 2014-0002 adopting the Service Review.*

6. Discussion of the Calafco Conference October 2014

7. Executive Officer' s report

- a. *City of Clearlake Service Review*
b. *Hidden Valley Lake Service Review and Sphere of Influence*
c. *Fire Service Review*
d. *Minnie Canon Annex to the CCWD*
e. *LAFCo Clerk*

8. 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.

9. Correspondence

10. Adjourn to LAFCO's next regular meeting: Wednesday January 21, 2014 in Lakeport

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:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject 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 area 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 johnbenoit@surewest.net or by fax at (916) 797-7631. Agenda items are located on the Lake LAFCO Webpage at www.lakelaftco.org

Lake Local Agency Formation Commission

CLAIMS

September 2014 and October 2014

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
Oct 1, 2014	Staff Services Sept 2014	\$ 4,799.00
Aug 1, 2014	Special Projects – Sept 2014	
	RCD/WPD MSR/SOI	\$ 2,629.17
8.16-14 to 9.15.2014	Browne- Legal	\$ 500.00
Nov 1, 2014	Staff Svcs Sept 2014	\$ 4,590.67
Nov 1, 2014	Special Projects WPDMSR	\$ 1,938.75
Nov 1, 2014	1/6 share Calafco Conf.	\$ 109.38
Sept 17, 2014	Commission Mtg. Stipend	\$ 480.00
9.16-14 to 10.15-14	Browne Legal	\$ 1,750.00
TOTAL:		\$ 16,803.97

DATED: Nov 19, 2014

APPROVED: Nov 19, 2014

Stacey Mattina, Chair or Jim Comstock Vice-Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer


Remaining in Account	\$ 5,280.00	\$ 250.00	\$ 769.00	\$250.00	\$ 16,000.00	\$ 2,000.00	\$ 7,000.00	\$ 48,488.00	\$ 1,000.00	\$ 2,400.00	\$ 1,500.00	\$ -	\$ 16,000.00	\$ 10,000.00
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Lake Local Agency Formation Commission

MEMORANDUM November 19, 2014

TO: LAFCo Commissioners

FROM: John Benoit, Executive Officer 

RE: November 19, 2014 Watershed Protection District Service Review

Attached is a November 19, 2014 revised hearing draft service review report. This report reflects the changes presented at the September 17, 2014 LAFCo meeting. The electronic copy provides changes in color for the reader may easily review changes made. Please review the September 17, 2014 Lake LAFCo minutes for testimony received at that meeting.

This draft reflects the MSR Committee's recommendation for adoption. I would encourage comments on this draft to be made in writing, where possible.

Please find Draft Resolution 2014-0002 for Commission's consideration thereby adopting this Service Review.

Resolution 2014-0002 of the
Lake Local Agency Formation Commission

*Approving a Service Review of Services Provided by the Lake County Watershed Protection and
Adopting Written Determinations Thereon*

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission ("LAFCO") adopt and periodically review Sphere of Influence Plans for all agencies in its jurisdiction; and,

WHEREAS, California Government Code Section 56430 requires that a LAFCO conduct a review of the services provided by and within an agency prior to updating or adopting its Sphere of Influence Plan; and,

WHEREAS, the Sphere of Influence Plan is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and,

WHEREAS, on April 17, 2002, the Commission adopted its Work Plan and included a schedule for initiation of Service Reviews (MSRs) and Spheres of Influence; and

WHEREAS, the Commission adopted guidelines for conducting MSRs, which applies to this MSR for services provided by the Lake County Watershed Protection District; and,

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 for services provided by the Lake County Watershed Protection District, including approval of the report and adoption of the written determinations contained therein; and,

WHEREAS, the Commission hereby determines that the hearing draft of the Service Review for services provided by the Lake County Watershed Protection District and written determinations contained therein will provide information for updating the Sphere of Influence for the Lake County Watershed Protection District, and is otherwise consistent with the purposes and responsibility of the Commission 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; and,

WHEREAS, in making this determination, the Commission has considered the documentation on file in this matter; and,

WHEREAS, the Commission has considered oral and written testimony at public hearings on May 21, 2014, September 17, 2014 and November 19, 2014.

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 resolves, orders and determines the following:

- 1) The Service Review for Services provided by the Lake County Watershed Protection District, attached hereto as Exhibit A, is approved and the written determinations presented in the Service Review report are hereby adopted.
- 2) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Service Review to the Lake County Watershed Protection District.

The foregoing resolution was duly passed by the Lake Local Agency Formation Commission at a regular meeting held on November 19, 2014 by the following roll call vote:

Ayes:

Noes:

Absentions:

Absent:

Signed and approved by me after its passage this 19th day of November 2014.

Stacey Mattina, Chair or Jim Comstock, Vice-Chair

Lake LAFCO

Attest:

John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION,

Lake LAFCO

October 3, 2014

Richard Coel
County of Lake Community Development Department
255 N. Forbes St
Lakeport, CA 95453

RE: Valley Oaks Project EIR - Via Email Only

Dear Mr. Coel,

In January 2009 I reviewed the Draft EIR submitted for the Valley Oaks Project and offered the following comments:

1. LAFCO is a Responsible Agency under CEQA for this project since an annexation and Sphere of Influence amendment to include territory within the Hidden Valley Lake CSD will be required by LAFCO. The EIR disclosed these requirements under sections 1.3 and 1.4.
2. As with most EIR's reviewed, by LAFCo, the definition of Agricultural lands (Government Code Section 56064) is not addressed and analyzed in the DEIR. LAFCO is required to evaluate impacts to Agricultural lands under this definition. The assessment of the impacts upon agricultural lands from a LAFCO perspective is based on Government Code Section 56064, which contains a broad definition of prime agricultural land—far broader than that used in many other such characterizations. Under Section 56064, land is considered prime agricultural land if it meets any of the following definitions:

(a) Land that, if irrigated, qualifies for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not the land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

A discussion and analysis of agricultural lands with respect to Government Code Section 56064 needs to be included in the FEIR and fully disclosed. Conversion of agricultural lands may be a significant and irreversible impact. If after analyzing the project in light of Government Code Section 56064, the County may determine the loss of agricultural land is a significant impact and may wish to consider mitigation measures such as requiring agricultural conservation easements and (or) agriculture/urban setbacks (buffers).

I have not seen the final EIR and cannot determine if this analysis took place. In any case LAFCo will review this proposal with Government Code Section 56064 in mind.

In reviewing the adopted EIR mitigation measures, it is stated there are no mitigation measures required under Impacts 4.2.1, 4.2.2, 4.2.3, and 4.2.4. Furthermore the DEIR states that the loss of prime agricultural lands are less than a significant impact. Here, 138 acres of prime class 1 and Class 2 agricultural lands are proposed to be converted and the DEIR states that this is less than significant. It is a significant impact and the courts have said that even though agricultural lands are converted mitigation would still be appropriate. For example, a 1 or 2 acre land dedication or conservation easement for each 1 acre of prime agricultural land conversion would be appropriate. Please require this dedication as an environmental mitigation measure and condition of the tentative subdivision map. LAFCo will seriously consider a similar term and condition as mentioned above should a mitigation measure not be included in the FEIR.

3. As stated in my 2009 letter, In the event there are prime agricultural lands on the project site meeting LAFCO's definition of Agricultural Soils, LAFCO may require an absorption study to be performed by the applicant to determine the need for conversion of agricultural soils and the timeliness of annexation to the CSD. This effort involves a calculation of growth in the area over the next 15 years and the amount of land in the area available for residential use that would be needed. Has the county required such as study?
4. Without seeing the final EIR, the Local Agency Formation Commission needs to be mentioned under the "Regulatory Framework" for Domestic Water and Wastewater services in Chapter 1.14. A Sphere of Influence Amendment and Annexation to the Hidden Valley Lakes CSD will be required.

5. LAFCo would like the opportunity to review the SB-221 and SB 610 studies prepared for this project along with the LAFCo Submittals for an Annexation and Sphere of Influence Amendment.
6. I am concerned there is financial mitigation for the County Sheriff's Department in the DEIR mitigation measures but not the local fire agency. The analysis in the EIR concludes that implementation of the project would result in an unacceptable level of services from the SLCFPD for fire and EMS services. The mitigation included is the provision of adequate fire flows and sprinklers (which is the law in California anyway). Mitigation should also be extended to finding the SLFPD on an annual basis as well as to provide necessary capital improvements such as a fire engine and other apparatus to assist the department in performing its duties so as to not reduce the SLCFPD's ability to provide adequate services to all residents in its service area.
7. Since Hidden Valley Lake does not do Road Maintenance, who is going to provide Road Maintenance Services. Will it be a benefit zone within the Countywide road maintenance CSA?
8. Is the County going to require a fiscal impact analysis for this development? We have questions if whether or not this development will impact the County's General Fund and therefore would pass the cost burden to other residents, districts and landowners in the County. A fiscal analysis will answer those questions.
9. Please be aware that since 2008 LAFCo has revised its policies and procedures, bylaws and CEQA Guidelines, all of which are located on LAFCo's webpage at www.lakelafco.org.
10. Please provide LAFCO with a hard copy of the final environmental documents, once prepared.

Please do not hesitate to call me at (707) 592-7528 or email me at johnbenoit@surewest.net should you have any questions.

Very Truly Yours

John Benoit
Executive Officer