



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church Street, Suite B, Visalia 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

LAFCO SPECIAL MEETING AGENDA

December 5, 2012 @ 2:00 P.M.

BOARD OF SUPERVISORS CHAMBERS

COUNTY ADMINISTRATION BUILDING

2800 West Burrel Avenue

Visalia, CA. 93291

COMMISSIONERS:

*Juliet Allen, Chair
Cameron Hamilton, V. Chair
Steve Worthley
Rudy Mendoza
Allen Ishida*

ALTERNATES:

*Dennis A. Mederos
Janet Hinesly
Mike Ennis*

EXECUTIVE OFFICER:

Ben Giuliani

I. Call to Order

II. Approval of Minutes from October 24, 2012 (Pages 1-6)

III. Consent Calendar

There are no items.

IV. Continued Action Items

1. Adoption of the City of Visalia's Municipal Service Review (Pages 7-12)
[Public Hearing].....Recommended Action: Adoption

Commission action on the City of Visalia Municipal Service Review (MSR) Update was continued from the August 8, 2012 and October 24, 2012 meetings to the December 5, 2012 meeting. Tulare County LAFCO will consider the adoption of the City of Visalia's Municipal Service Review Update. The MSR and its determinations were distributed to the Commission and posted for public review on July 18th, 2012. The complete MSR is posted on the Commission's website at: <http://www.co.tulare.ca.us/lafco/default.asp>. This item is exempt from the California Environmental Quality Act: Sections 15061(b)(3) and 15306.

V. New Action Items

1. Proposed Draft Amendment to Policy C-1 (Pages 13-26)
[No Public Hearing].....Recommended Action: Adoption

Proposed Amendment to Policy C-1 (Factors and standards to be considered in review of proposals) – Disadvantaged Unincorporated Communities (DUCs). This policy specifically addresses a recent legislative language change of "residents" to "registered voters" in context with potential annexations of DUCs.

NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.

2. Alpaugh CSD Election Results (Pages 27-32)

[No Public Hearing].....Recommended Action: Accept

The Commission ordered the conditional dissolution of the Tulare County Waterworks District #1 (TCWWD #1) without election and ordered the formation of the Alpaugh Community Services District (CSD) subject to the confirmation of the registered voters within the approved boundaries on July 11th, 2012. The dissolution of the TCWWD #1 was conditioned upon the successful formation of the Alpaugh CSD. Staff is recommending that the Commission accept the final election results for the successful formation of the Alpaugh CSD.

3. Election of Officers for 2013 (Page 33-34)

[No Public Hearing].....Recommended Action: Elect Chairman and Vice-Chairman

The Commission will select a new Commission Chair and Vice-Chair. The LAFCO Commission Chair and Vice-Chair are chosen on a rotating basis (County-City-Public) in accordance with LAFCO Policy A-4. City representative Cameron Hamilton is scheduled to be selected as Chair. County representative Steve Worthley is scheduled to be selected as Vice-Chair. The new officers' term will commence on January 1, 2013 and end on December 31, 2012.

4. Cancellation of January Meeting (No Page)

[No Public Hearing]...Recommended Action: Cancel January 9, 2013 meeting

Due to a lack of cases and matters of substance, LAFCO Staff is proposing that the January LAFCO meeting be canceled.

VI. Executive Officer's Report

1. Annual LAFCO Map Presentation (Pages 35-59)

Annually, LAFCO Staff prepares a series of maps and statistical tables that track city and special district annexation activity for both the preceding year as well as annexation activity over the course of LAFCO's existence. The map and table series also illustrates changes – in terms of acreage - in County prime agricultural land, land uses, government owned land, and land under Williamson Act Contract.

2. Legislative Update (No Page)

The Executive Officer will provide a legislative update at the meeting.

3. Upcoming Projects (No Page)

The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO cases and projects.

VII. Correspondence

None

NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.

VIII. Other Business

1. Commissioner Report

At this time, any Commissioner may inform the Commission, Staff, or the public of pertinent LAFCO issues not appearing on the agenda.

2. Request from LAFCO for items to be set for future agendas

X. Closed Sessions

There are no items.

XI. Setting Time and Place of Next Meeting

January 9, 2013 or February 6, 2013 (if January meeting is canceled) @ 2:00 P.M. in the Board of Supervisors Chambers in the County Administration Building

XII. Adjournment

Item No.

Agenda Summary

- II. Please see enclosed October 24, 2012 meeting minutes.*
- IV.1 Please see enclosed Memo and Determinations for the City of Visalia MSR update.*
- V.1 Please see enclosed Memo for Proposed Amendment to Policy C-1*
- V.2 Please see enclosed memo regarding the Alpaugh CSD election results*
- V.3 Please see enclosed memo regarding the Election of Officers for 2013*
- V.4 There are no enclosures for this item.*
- VI.1 Please see enclosed memo for the Annual LAFCO Map Presentation*
- VI.2 There are no enclosures for this item*
- VI.3 There are no enclosures for this item.*

NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking.

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

Minutes of the Meeting

October 24, 2012

Members Present: Julie Allen, Allen Ishida, Steven Worthley, Cameron Hamilton

Members Absent: Rudy Mendoza

Alternates Present: Janet Hinesly

Alternates Absent: Mike Ennis, Dennis Mederos

Staff Present: Ben Giuliani, Cynthia Echavarria, Jessica Moncada

Counsel Present: Nina Dong

I. Call to Order

Chair Allen called the Tulare County Local Agency Formation Commission meeting to order at 2:04 p.m. on October 24, 2012

II. Approval of the August 8, 2012 Minutes:

Upon motion by Commissioner Worthley and seconded by Commissioner Hinesly, the Commission unanimously approved the August 8, 2012 minutes.

III. Public Comment Period

Chair Allen opened the Public Comment Period

No comments were received; Chair Allen closed the Public Comment Period

IV. Consent Calendar Items

There were no Consent Calendar items.

V. Continued Action Items

1. Adoption of the City of Visalia's Municipal Service Review

Executive Officer Ben Giuliani stated we received correspondence from Tulare County requesting a continuance of the Municipal Service Review (MSR). Mr. Giuliani stated he wrote an addendum to the staff report and handed it out to the commissioners addressing the County's request. The County submitted the letter requesting that the MSR be continued off-calendar to allow for more discussion with the City of Visalia. The City of Visalia has requested the MSR be continued to the next LAFCO meeting rather than off-calendar. Staff is recommending continuing the action on the City of Visalia MSR update to the December 5th meeting.

Dave Bryant, Planner IV from the Tulare County Resource Management Agency stated the County is supportive of staff's recommendation to continue the item to the December 5th meeting. However, the County respectfully requests an option for the Commission to consider placing the item off-calendar, which would give County staff additional time to work with the City to complete the County and City's discussions.

Paul Brown from the City of Visalia staff stated the City of Visalia is in agreement with the recommendation to continue the item to the December 5th LAFCO meeting.

Upon motion made by Commissioner Worthley and seconded by Commissioner Hamilton the Commission unanimously approved to move the City of Visalia's Municipal Review to the December 5, 2012 LAFCO meeting.

LAFCO MEETING MINUTES

10/24/12

- 1 -

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VI. New Action Items

1. Sphere of Influence (SOI) Updates for Allensworth Community Services District (CSD), Sultana CSD and Three Rivers CSD

Staff Analyst Cynthia Echavarria stated on October 2011, the Commission initiated comprehensive Sphere of Influence updates for the 22 districts subject to the Group 4 MSR. The adoption of SOIs for the Allensworth CSD, Three Rivers CSD and Sultana CSD were delayed until the completion of the Tulare County General Plan Update because the Update contained new development boundaries for those three communities. Notice of these SOI reviews and updates and staff proposals were sent to the affected districts and their respective engineers. To date, one comment has been received. The comment was received after staff had prepared the agenda. Staff Analyst Echavarria reviewed the findings for the three SOI updates and recommended that the SOI be set coterminous to the County of Tulare Urban Development Boundary and include areas of District land that extend beyond the UDB.

Robert J. Groeber from the Three Rivers CSD stated that he would like to thank staff for listening to the District's concerns and supported staff's recommendation to set the SOI for Three Rivers to be coterminous with the County UDB.

Commissioner Worthley stated that the findings must be modified to state that pursuant to the County General Plan future zoning may effect the development of open space and agricultural lands in the subject areas.

Upon motion made by Commissioner Worthley and seconded by Commissioner Ishida the Commission unanimously approved the item with modifications to the findings.

2. 2013 Proposal Deadline and Meeting Schedule.

Staff Analyst Cynthia Echavarria stated the Commission will consider scheduled meeting dates and application deadlines for the 2013. All dates are tentative and subject to change.

Commissioner Worthley asked if a date on the staff report was December 21st or December 19th. Ms. Echavarria stated December 21st is the correct date.

Upon motion made by Commissioner Hamilton and seconded by Commissioner Ishida, the Commission approved the 2013 Proposal Deadline and Meeting Schedule.

3. Cancellation of November 7, 2012 Commission Meeting

Executive Officer Ben Giuliani noted the short period between the October 24th and November 7th meetings, stated that there are no actions items needed to be addressed at the November meeting, and recommended cancelling the November 7th meeting.

Upon motion made by Commissioner Hamilton and seconded by Commissioner Hinesly the Commission unanimously approved to cancel the November 7, 2012 LAFCO Meeting.

4. Designation of LAFCO Appointee to the Tulare County Association of Governments RTP/SCS Roundtable.

Staff Analyst Cynthia Echavarria stated during the October 15, 2012 Tulare County Association of Governments Board meeting, the Board approved guidelines and initiated formation of a Regional Transportation Plan/Sustainable Communities Strategy Roundtable. The purpose of the RTP Roundtable is to support TCAG in development and preparation of the 2014 Regional Transportation Plan and Sustainable Communities Strategy. While the RTP Roundtable will provide comments and input on issues related to development of the 2014 RTP/SCS, the final decisions on the RTP will be the responsibility of the TCAG Board of Governors. A copy of the TCAG staff report and roundtable guidelines are included in the LAFCO agenda. At this time, the commission can designate a member to the RTP Roundtable.

Roberto Brady Associate Regional Planner, TCAG gave a overview of the duties and goal of the RTP roundtable. He stated this is the first Sustainable Communities Strategy to be prepared in Tulare County. This will not be a permanent committee. It will end when the RTP is adopted approximately at the end of 2013. There would be monthly meeting starting in January and running through July of 2013. There may be some follow up meetings of the RTP Roundtable to answer any questions or other things that may come up. If TCAG gets full membership on there roundtable, there will be 27 members. One way to approach the work of the roundtable will be to have smaller working groups on certain issues. The chairperson of the Roundtable will be selected from among one of the nine member agencies of TCAG.

Commissioner Worthley stated it would make sense that the Public Member of LAFCO Chair Julie Allen would be there representative for LAFCO for the Roundtable, since the other members of LAFCO are city or county representatives, who are on the Roundtable already.

Chair Allen stated she would be happy to be the representative for LAFCO

Upon motion made by Commissioner Worthley and seconded by Commissioner Ishida the Commission unanimously approved to appoint Chair Julie Allen as the representative for the Tulare County Association of Governments RTP/SCS Roundtable.

Upon motion made by Commissioner Hamilton and seconded by Commissioner Hinesly the Commission unanimously approved to cancel the November 7, 2012 LAFCO Meeting.

VII. Executive Officer's Report

1. Special District Report

Executive Officer Ben Giuliani stated the first report is regarding Tulare County Special Districts, which is a continuation from previous agenda items. LAFCO reviewed the Tulare County Grand Jury Report titled "Special Districts Lack of Oversight" at the July meeting. The findings and conclusions of the Grand Jury report partially relied on a report given to the Tulare County Board of Supervisors on July 19, 2011 by the Tulare County Auditor. Both reports are attached to the agenda item. One of the difficulties that was seen in the auditor's report was that the auditors reported that 29 special districts experienced an operation loss or decrease in assets. While the auditor's report listed losses, as we noted before, the report did not list non-operating revenues.

Mr. Giuliani stated in addition to looking at the finance of these districts, the Commission had also requested to look at districts that have been having difficulty meeting a quorum. Sequoia Memorial District was noted as a district that has had difficulty in meeting a quorum. EO Giuliani recommended setting up a meeting with the Sequoia Memorial District to see where their interest lies, to see if there is potential of getting a full quorum and to conduct district business normal or if they would potentially like to merge with one of the neighbor districts.

In addition, EO Giuliani reviewed other districts that appear to have various types of financial issues (Deer Creek Storm Water District, Atwell Island Water District and Ducor Irrigation District). Mr. Giuliani noted that more information is needed regarding these districts and stated that meetings may also be beneficial with these districts.

Mr. Giuliani also reviewed other district in unique situations such as Hope Water District, Tulare County Olive Pest Control and Levee Districts #1 and #2. This report focuses on districts which staff is recommending additional near-term review and districts that are in particularly unique situations. There may be other districts which may require further review, as determined by future MSRs, Commission request, issues that are identified in Grand Jury reports, etc.

Chairmen Worthley stated he wanted to commend Mr. Giuliani on the work he did on this report and noted that is should be passed along to the Grand Jury. Mr. Giuliani stated that the report has been forwarded to the Grand Jury.

2. Proposed Draft Amendment to Policy C-1

Executive Officer Giuliani stated during this year's legislative session, AB 2698 was passed and enrolled into law. This bill made several technical corrections to the LAFCO sections of Government Code. One of the corrections was changing the term "residents" to "registered voters" in regards to annexations next to disadvantaged unincorporated communities. The proposed policy amendment addresses the change in wording to remove the term "residents" from the policy and annexation survey of unincorporated disadvantage communities.

Mr. Giuliani stated that the proposed policy amendment would be brought back to the next Commission meeting for action.

3. SB 244: Land Use, General Plans and Disadvantaged Communities

Executive Officer Ben Giuliani stated the Governor's Office of Planning and Research has issued a draft Technical Advisory Guidance on the implementation of SB 244 relating to disadvantaged unincorporated communities. The public comment period for this Advisory Guidance is open until November 15th. Mr. Giuliani stated he wanted to highlight this to the commission because LAFCO's policy is cited in guidance and the guidance has highlighted an entire page on what Tulare County's efforts have been regarding disadvantaged unincorporated communities.

4. Legislative Update

Mr. Giuliani stated that the only LAFCO related legislation that passed this year was the Omnibus Bill. As mentioned before the Omnibus bill corrected the resident versus the registered voter inconsistency among other minor corrections.

Mr. Giuliani stated the annexation streamline provisions expire January 1, 2013. There has been interest in trying to extend that date. This date will need to be extended at the next Legislative session.

5. CALAFCO Annual Conference

Mr. Giuliani stated that Commissioner Mederos was unable to attend today's meeting but wanted to pass along that he found the CALAFCO Conference to be extremely valuable and was very delighted that he was able to attend the conference.

Chair Allen stated it was an excellent conference. Member Allen stated the theme was "Partnership" and looked at public projects and various kinds of governmental partnerships.

6. Upcoming Projects

Executive Officer Ben Giuliani stated at the December meeting, the DUC policy will be back for action and also the continuance of the Visalia MSR.

VIII. Correspondence

1. The Sphere

The Sphere talks about potential Legislative issues and also talks about CALAFCO's Executive Officer Bill Chiat leaving officially at the last CALAFCO conference. CALAFCO now has a new Executive Officer. There is also an interesting article regarding East Los Angeles and the difficulty in incorporating East Los Angeles. There is also an article about County Islands.

IX. Other Business

1. Commissioner Report - At this time, any Commissioner may inform the Commission, Staff, or the public of pertinent LAFCO issues not appearing on the agenda.

None

2. Request from LAFCO for items to be set for future agendas

Commissioner Ishida stated he would like for LAFCO to keep aware of potential new requirements regarding the annexation of the disadvantaged communities.

X. Closed Sessions

None

XI. Setting Time and Place of Next Meeting

December 5, 2012 @ 2:00 P.M. in the Board of Supervisors Chambers in the County Administration Building

XII. Adjournment

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ALTERNATES:

*Dennis A. Mederos
Janet Hinesly
Mike Ennis*

EXECUTIVE OFFICER:

Ben Giuliani

December 5, 2012

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Cynthia Echavarria, Executive Officer

SUBJECT: Visalia Municipal Service Review Update

Background

The first Municipal Service Review (MSR) for the City of Visalia was adopted as part of the Group 1 MSRs by the Commission at the March 2006 meeting. Since the adoption of the MSR, the City has started an update to its General Plan. The Sphere of Influence (SOI) for Visalia was last comprehensively reviewed by the Commission in 1974 followed by several SOI amendments. Before the Commission can approve a major amendment or a comprehensive update of the SOI, the updated MSR determinations need to be adopted. The Visalia MSR Update was brought to the Commission for review at the August 8th meeting following a 21-day public comment period. Upon request by the County, action on the MSR was continued to the October 24th meeting. At the October 24, 2012 LAFCO meeting, the County of Tulare submitted another letter requesting an additional continuance of the Municipal Service Review to give the County additional time to review the MSR documents and to meet with the City of Visalia. The Commission continued action on the MSR to the December 5, 2012 meeting.

Discussion

Since the Visalia MSR was first developed in March of 2006, government code was modified that combined twelve topic areas into six. Recently, a seventh was added into law relating to disadvantaged unincorporated communities. The Commission is required to prepare a written statement of determinations for the following:

- Growth and population projections for the affected area.
- The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
- Present and planned capacity of public facilities, adequacy of public services and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any

disadvantaged, unincorporated communities within or contiguous to the sphere of influence.

- Financial ability for agencies to provide services.
- Status of, and opportunities for, shared facilities.
- Accountability for community service needs, including governmental structure and operational efficiencies.
- Any other matter related to effective or efficient service delivery, as required by commission policy.

Note: In the updated MSR, information regarding the location and characteristics of disadvantaged unincorporated communities and services relating to those communities were combined under the last topic area.

Technical data was updated based on newer supporting documents such as the City of Visalia's General Plan Update Existing Conditions Report (2011), City of Visalia's Housing Element Background Report and Policy Document (2010), Operating and Capital Budget FY 2010/ 11 & 2011/12, Cal Water: Water Supply and Facilities Master Plan (2005), Water Conservation and Landscape Ordinance Municipal Code 13.20, Storm Water Management Program (2005), Visalia Water Conservation Plant 2008 Master Plan, Comprehensive Annual Financial Reports CAFR 2010-2011, and the 2010 Census.

Tulare County LAFCO will not be initiating the City's SOI update at this time. The City of Visalia's SOI update should wait until after the completion of their General Plan update and after the completion of the City/County MOU process.

Attached is the Executive Summary with determinations for the updated Visalia MSR. The full version of the Draft MSR was distributed for the Commission on July 18, 2012. The full version Draft was also posted for public review on LAFCO's website: <http://www.co.tulare.ca.us/lafco/default.asp>.

Recommendation

Adopt the updated Municipal Service Review and statement of determinations for the City of Visalia.

Attachments:

Updated Visalia MSR Written Determinations (Disk)
Resolution of Adoption

BEFORE THE LOCAL AGENCY FORMATION COMMISSION
OF THE
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Adoption of the)
Municipal Service Review Update)
For the City of Visalia)

RESOLUTION NO. 12-0##

WHEREAS, the Commission is authorized by Government Code Section 56430 to conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission and prepare a written statement of its determinations; and

WHEREAS, Government Code Section 56425(g) requires the commission to review and update all spheres of influence (SOI), as necessary, every five years; and

WHEREAS, a service review must be completed before the Commission can consider an update to a SOI for a city or a district which provides municipal services as defined by Commission policy; and

WHEREAS, on March 1, 2006, the Commission adopted the first Municipal Service Review (MSR) and statement of determinations for the City of Visalia (Resolution 06-010); and

WHEREAS, on August 8, 2012, the Commission extended the public hearing for the Visalia MSR to the October 24, 2012 meeting; and

WHEREAS, on October 24 2012 this Commission heard, received, and considered testimony, comment, recommendations and reports from all persons present and desiring to be heard in this matter.

WHEREAS, on October 24 2012, the Commission extended the public hearing for the Visalia MSR to the December 5, 2012 meeting; and

WHEREAS, the Visalia MSR and its determinations have been updated to allow for the Commission's consideration of a comprehensive update to the City's SOI

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

1. The information, material and facts set forth in the report of the Executive Officer and updated MSR Report for the City of Visalia including any corrections have been received and considered.

2. The Commission has reviewed and considered the information, material and facts presented by the following persons who appeared at the public hearing and commented on the proposal:

XXXX:XXX

XXXXXXXXX

3. All notices required by law have been given and all proceedings heretofore and now taken in this matter have been and now are in all respects as required by law.

4. The Commission hereby finds the updated Visalia MSR:

(a) Includes a subregion of the county appropriate for an analysis of the services to be reviewed;

(b) Contains a written statement of the Commissions' determination of the subjects required to be analyzed in an MSR, and

(c) Reviews all of the agencies that provide the service or services within the designated geographic area as set forth in LAFCO policy C-5.

5. The Municipal Service Review Report, including statement of determinations, for the City of Visalia is hereby adopted.

The foregoing resolution was adopted upon motion of Commissioner x and seconded by Commissioner x, at a regular meeting held on this 5th day of December 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

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ALTERNATES:
*Mike Ennis
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Dennis Mederos*

EXECUTIVE OFFICER:
Ben Giuliani

December 5, 2012

TO: LAFCO Commissioners and Alternates

FROM: Ben Giuliani

SUBJECT: Proposed Amendment to Policy C-1 (Factors and standards to be considered in review of proposals) – Disadvantaged Unincorporated Communities

Background

Last year, among other provisions, SB 244(Wolk) added a requirement in Government Code regarding the annexation of disadvantaged communities (with certain exceptions) when cities annex land of 10 acres or more that is contiguous to the affected disadvantaged unincorporated community. One of the exceptions included, “based upon written evidence, that a majority of the residents within the affected territory are opposed to annexation”. [GC 56375(a)(8)(B)(ii)]

To address the change in Government Code, the Commission adopted amendments to Policy C-1 and adopted a template annexation survey form and cover letter at the April 4th, 2012 meeting. Addressing the term “residents” was problematic in that registered voters and landowners have the power to protest annexations while residents do not.

Discussion

During this year’s legislative session, AB 2698 (Assembly Local Government Committee) was passed and enrolled into law. This bill made several technical corrections to the LAFCO sections of Government Code. One of the corrections was changing the term “residents” to “registered voters” in regards to annexations next to disadvantaged unincorporated communities. This makes the changes added last year by SB 244 (Wolk) consistent with existing LAFCO protest procedures.

To reflect the change in terminology from “residents” to “registered voters”, a draft amended policy was developed. This draft was distributed to city and County staff for review on October 8th and brought to the Commission for review on October 24th. To date, one comment has been received. The County has submitted a letter (attached) indicating there is no objection to the proposed policy. There have been no changes to

the attached draft policy since it was reviewed by the Commission at the October 24th meeting.

In addition, the County submitted a letter in response to the California Office of Planning and Research's draft technical guidance regarding the implementation of SB 244 (Wolk) in relation to disadvantaged unincorporated communities (DUCs). In this letter, the County addresses three main topics; CEQA analysis for annexations involving or impacting DUCs, grant funding opportunities for DUCs, and other implementation observations.

Recommendations

Staff is recommending approval of the attached amended Policy C-1 and accompanying forms.

Attachments:

Policy C-1.3

Survey Cover Letter – Form E-10

Annexation Survey – Form E-11

1.3. City annexations contiguous to disadvantaged unincorporated communities

An annexation of greater than 10 acres can not be approved if there exists a disadvantaged unincorporated community (as defined in Policy C-5.11(C)) that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community has been filed with the executive officer. An application for annexation of the disadvantaged community shall not be required if an application for the community has been made in the preceding five years or the Commission finds, based on written evidence, that a majority of the ~~residents~~, registered voters and ~~property~~ **land**owners within the affected community are opposed to annexation. [GC §56375(a)(8)]

- A. “Written evidence” may be in the form of annexation survey results from ~~residents~~ **registered voters and landowners** of the disadvantaged unincorporated community. The survey mailing list should also be provided to the Commission. The survey must be completed no longer than two years before the filing of the annexation proposal. The following must be included as part of the survey:
 - I. Survey cover letter [Form E-10]
 - II. Survey [Form E-11]
 - III. Map of proposed annexation area and disadvantaged community in relation to existing city boundaries
 - IV. Information about city services (a review of the types of services, timing of when the services would be provided and financing of the services), effects of city zoning/land use and city elections. (Specific examples are listed on Form E-10)
- B. If the annexation is contiguous to a disadvantaged unincorporated community that is served by a special district that provides urban services, the provisions listed in this sub-section are only applicable to annexations that are at least one-third the size of the neighboring special district.
- C. The boundaries of a proposed annexation should be logical and be consistent with all applicable state laws and local policies and should not be gerrymandered in a way to either avoid or trigger this specific policy.
- D. Cities are required to send the annexation survey and cover letter in both English and Spanish (Forms E-10b and E-11b are Spanish translations of Forms E-10 and E-11).
- E. During development of the application package, LAFCO staff shall, upon request of the annexing municipality, assist with the coordination and conduct of a neighborhood outreach meeting held in conjunction with the County of Tulare, as the governing agency of the disadvantaged unincorporated community. Upon review of an annexation application submitted, where such a meeting has not been held, on a case by case

basis, the Commission may continue the hearing and request that such a meeting be conducted to present information to, and verify the positions of community property ~~property~~ **land**owners **and** registered voters ~~and residents~~, prior to approval of the application.

<City Letterhead>

Form E-10

<Date>

Dear <name of ~~resident~~, registered voter and/or ~~property~~ landowner>

You are receiving this letter because your neighborhood is next to a proposed annexation to the City of <name of City>. The City is proposing to annex <insert description of annexation – size, purpose, etc.>. A map of the proposed annexation area is enclosed. The City would like to know your interest in also being annexed.

You are currently residing **or own land** in what is called unincorporated Tulare County. This means that the County of Tulare is responsible for services to your community. Annexation to the City of <name of City> would mean that the City would become responsible for many of the services to your community which may now be provided by the County. Please see the enclosed information regarding the services that the City provides, how the services are paid for and the timing of when you could expect those services to be provided if your neighborhood is annexed into the City.

Enclosed is an annexation survey and postage paid envelope <or postage paid post card if the survey can fit>. Please return it by <date>. The return of this survey is important because State law requires the City to file an application to annex your neighborhood unless the majority of **registered voters** ~~residents~~ are against it. If you have any additional questions or would like more information, please contact <city contact name, phone number, e-mail>. For Spanish translation services for the enclosed City service information, please contact <city contact name, phone number, e-mail>.

<Ending salutation>

Enclosures:

Proposed Annexation Map

City Services and Other Information

City Annexation Survey and Return Envelope <or City Annexation Survey Postcard>

Cover Letter Notes:

-The second sentence in the second paragraph will need to be modified depending on ESAs or if the area is within a District that provides urban services.

Map Notes:

-The map should show the proposed annexation area and the disadvantaged community in context with the existing City boundaries.

City Information Enclosure:

-The City information enclosure should review all the types of urban-level services that would be provided including timing and financing. For example, police services would be provided

immediately while other services would not (solid waste collection would transition after 5 years). Some services would be provided, like street-sweeping, that the County does not currently provide. Some cities have utility taxes that would need to be explained. Cities may use a variety of ways to finance services, like lighting and maintenance districts or have certain requirements when properties need to be hooked into the sewer system.

-Zoning and land use should be discussed. For example, cities typically will grandfather-in existing legal County uses.

-Information about City Council elections should be included. For example, while their address may say “City of X” that they are not currently part of the City and do not currently have a voice in City government. Also, one city already elects their council by wards while others are currently moving in that direction.

City of X Annexation Survey

Please fill out this survey after reading the enclosed information regarding City services and potential annexation into the City of X.

Would you like to be annexed to the City of X?

_____ **Yes**, I would like my property/residence to be annexed.

_____ **No**, I do not want my property/residence to be annexed.

_____ **I don't care**, it doesn't matter to me if my property/residence is in the City or County.

_____ **I don't know**, I would like more information regarding annexation.

Would you be interested in attending a public meeting to hear more about what annexation means?

_____ **Yes**

_____ **No**

~~How many people (18 years or older) reside in your household?~~

=====

Contact information of the person(s) filling out this survey:

Name: _____

Address: _____

Phone or E-mail: _____



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277.
PHONE (559) 624-7000
FAX (559) 730-2653

Michael C. Spata	Planning
Britt L. Fussel	Public Works
Roger Hunt	Administration/Community Development

JAKE RAPER JR., AICP, DIRECTOR

November 6, 2012

Ben Giuliani, Executive Officer
Tulare County Local Agency Formation Commission
210 North Church Street, Suite B
Visalia, California 93291

Dear Ben:

Please be advised that we have no objection to the proposed amendment to Policy C-1 relating to disadvantaged communities as required by AB 2698 [Government Code Section 56375(a)(8)] which changed the requirement to circulate the annexation survey from "registered voters" instead of "residents."

In addition, attached is a letter recently sent by the Tulare County Resource Management Agency regarding comments to the public draft SB 244 Technical Advisory prepared by the California Office of Planning and Research.

As always, thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Spata".

Michael C. Spata
Assistant Director – Planning Branch

Enclosure

cc: Tulare County Administrative Officer
Tulare County Resource Management Agency Director
Tulare County Counsel



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277.
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FAX (559) 730-2653

Michael C. Spata	Planning
Britt L. Fussel	Public Works
Roger Hunt	Administration/Community Development

JAKE RAPER JR., AICP, DIRECTOR

Sent Via Email and U.S. Mail

October 31, 2012

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Att: Magda Arguelles

Re: Comments to Public Review Draft Technical Advisory (Senate Bill 244: Land Use, General Plans and Disadvantaged Communities)

On behalf of the Tulare County Resource Management Agency (RMA), this is to thank you for the opportunity to provide comments regarding the Office of Planning and Research's Public Review Draft Technical Advisory concerning *Senate Bill 244: Land Use, General Plans and Disadvantaged Communities*. Your work-product is clear, concise, well-researched, and informative; in which case, implementation of SB 244 should be facilitated by your effort.

The comments provided below are spurred by the need to address practical implementation issues at the local level, particularly at the county level because disadvantaged communities are located and serviced within unincorporated territory. Accordingly, counties have a substantial stake in seeing to it that SB 244's implementation process is efficient, effective and decisive.

RMA's comments encompass three broad categories: (1) Application of the California Environmental Quality Act to Annexation Proposals; (2) Identification of Grant Funding Opportunities; and (3) Practical Implementation Observations. Each category will be discussed separately below.

1. Application of the California Environmental Quality Act to Annexation Proposals

The draft Technical Advisory refers to the California Environmental Quality Act (CEQA) on page 1 in the Introduction. (See generally Public Resources Section 21000 *et seq.*) In reviewing the draft further, there does not seem to be any discussion associated with CEQA as applied to proposed annexations involving disadvantaged communities.

After considering CEQA in the context of annexation proposals authorized under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 *et seq.*), several comments are made.

Essentially, SB 244 prohibits approval of city annexations greater than 10 acres that are contiguous to a disadvantaged unincorporated community, unless the city applies to annex the disadvantaged unincorporated community as well. (Government Code section 56375, subd. (a)(8).)

However, this requirement is not applicable if an application to annex the disadvantaged unincorporated community had been made during the prior five years, or if a majority of residents (now registered voters according to AB 2698) in that community are opposed to the annexation. (Government Code section 56375, subd. (a)(8).)

Importantly, after July 1, 2012, LAFCOs must consider the present and future need for public facilities and services by disadvantaged unincorporated communities for any city or district which updates their sphere of influence and provides public sewer, municipal and industrial water, or structural fire protection facilities or services. These considerations must be reflected in a city's or district's sphere of influence or municipal service review. (Government Code sections 56425, 56430.)

Applied to CEQA itself, it has been held that annexation proposals are subject to environmental review. (See *Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263, 282; see also Governor's Office of Planning and Research, *LAFCOs, General Plans, and City Annexations* (1997) pp. 4-5, 7-9.) In connection with the State CEQA Guidelines, Appendix G (Environmental Checklist Form) addresses "Public Services" and "Utilities and Service Systems." (See generally State CEQA Guidelines, 14 Cal. Code Regs. section 15000 *et seq.*, Appendix G, parts XIV (Public Services) and XVII (Utilities and Service Systems).)

Specifically, when considering "Public Services," Appendix G inquires whether the proposed project (i.e., annexation proposal in this case) would result in substantially adverse physical impacts associated with, among other things, the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for public services. (Appendix G, part XIV.)

When considering "Utilities and Service Systems," Appendix G probes whether the proposed project (i.e., annexation proposal in this case) would require or result in, among other things, the construction of new water or wastewater treatment facilities, the construction of which would cause significant environmental effects. (Appendix G, part XVII.)

Equally important to this discussion, it should be noted that the State CEQA Guidelines indicate that CEQA analysis must include, as part of the environmental setting, "a description of the physical environmental conditions" (14 Cal. Code Regs. Section 15125, subd. (a)) -- which should include a baseline analysis of existing infrastructure

and the degree to which this infrastructure is adequate or substandard in terms of its capability to provide public services to the affected area.

Against this background of annexation and environmental principles, it is suggested that an environmental impact analysis be conducted as part of an annexation proposal that affects a disadvantaged community. More specifically, LAFCO should consider the environmental effects of either the failure to include a disadvantaged community in the annexation proposal or the inclusion of a disadvantaged community in the annexation proposal.

The reason is that before making a decision, LAFCO should be informed of the proposed annexation's environmental consequences to the disadvantaged community resulting from (a) the presence of continued substandard infrastructure, (b) the absence of needed infrastructure, or (c) the proposed construction of new or upgraded infrastructure.

Without this environmental analysis, LAFCO would not know how harmful or beneficial the proposed annexation will be to the disadvantaged community, thus affecting the public disclosure and informational values of CEQA. (See, e.g., Public Resources Code section 21005, subd. (a); 14 Cal. Code Regs. section 15003, subds. (c), (i).) Viewed positively, environmental analysis embracing infrastructure planning, development and construction for disadvantaged communities would enhance the public disclosure and informational process valued so highly by CEQA.

Therefore, it would be helpful if local public agencies understood in the Technical Advisory that the effect of SB 244 on annexation proposals is that the lead agency (e.g., the city or special district) should conduct the appropriate CEQA analysis regarding, among other things, the presence, absence or proposed construction of new or upgraded infrastructure on disadvantaged communities.

As a practical matter, a consultation should occur between the city or special district (i.e., lead agency) and LAFCO -- out of which generates comments allowing the lead agency to address the infrastructure issues in the context of the annexation's CEQA document (i.e., mitigated negative declaration or environmental impact report). To make the lead agency and LAFCO consultation meaningful, the county should be included as part of any annexation proposal which affects a disadvantaged community.

2. Grant Funding Opportunities for Disadvantaged Communities

The draft Technical Advisory does an excellent job in identifying various grant and loan funding opportunities for infrastructure planning affecting disadvantaged communities. (See Analysis and Listing of Potential Funding Mechanisms at pages 9 through 11 and Funding Matrix at pages 17 through 18.) For example, the Funding Matrix delineates the elements of certain funding from the California Department of Public Health, State Water Resources Control Fund, the California Department of Water Resources, and the California Infrastructure and Development Bank.

Equally noteworthy, the draft Technical Advisory at page 11 refers to the Sustainable Community Planning Grant and Incentive Program, United States Department of

Agriculture Rural Development Grants and Loans, and Community Development Block Grant Funds.

However, it appears that the matrix does not describe relevant elements of funding opportunities (both grant and loan) from these funding sources. Accordingly, to the extent not reflected in the matrix, it would be helpful if the Technical Advisory could summarize the key elements of funding opportunities associated with these programs.

3. Practical Implementation Observations

The following practical observations are predicated on years of proven experience garnered by Tulare County's community development and grant specialists who have enthusiastically embraced projects involving disadvantaged communities, public infrastructure and housing.

As a prelude to these practical observations, it is noteworthy that Tulare County's Housing Element has been identified on page 12 of the draft Technical Advisory as an example of Infrastructure Planning; and as such, these comments are suggested respectfully from the perspective of deepening a practical understanding of disadvantaged communities and their relationship to several interrelated planning areas such as land use, environmental, infrastructure, socio-economic, and grants.

In connection with the availability of water and fire protection, there should be an investigation and evaluation to determine whether non-potable or contaminated water supplies could be used for fire suppression, thus leaving the potable water for residential uses. Unfortunately, many disadvantaged communities have contaminated water sources from existing wells. These contaminated wells should be used strictly for non-drinking purposes and domestic distribution systems should be connected to potable water supplies.

In terms of funding, collaboration is highly recommended for all interested parties. This method of interaction should be reflected by the funding sources actually talking to one another at the state level to understand how their programs could coordinate together to benefit and complete one individual project. For example, given the high cost of infrastructure projects, it is critical for small communities to utilize grant funding where possible and take advantage of below-market interest rate loans, where necessary.

Projects also should be established with multiple funding sources in mind. As a suggestion, the funding source agencies should be collaborating similar to the California Finance Coordinating Committee (CFCC) (www.cfcc.ca.gov.) In this regard, project descriptions are submitted and funding sources are reviewed to ascertain whether funding is applicable. Practically speaking, the funding matrix lists the same funding sources as the CFCC; however, it should be stressed that CFCC helps to coordinate the process.

When discussing projects, it is suggested that all projects be identified, and, thereafter, the affected entities should attempt to raise sufficient funding to complete projects at one time. This would help establish the "only dig once" philosophy, thereby creating cost efficiencies. The major problem with this philosophy appears to be the costs associated with each project. The idea should be to reduce costs by "piggy backing" the steps that

need to be taken on multiple projects. Examples of this effort include environmental review, road closures, bulk purchasing, construction, digging up pavement, etc.

Concerning wastewater and drainage, it is suggested that a network of drainage systems should be constructed to take advantage of ground water recharge when possible. This network is critical to prevent the overflow into communities where one basin reaches capacity. The network also could produce a positive externality in terms of promoting prudent groundwater management

Connectivity is a concept that should be encouraged as well. Some of the disadvantaged legacy communities are relatively close to one another. Economies-of-scale should be realized where possible to reduce individual costs. Funding agencies have been concerned in the past about speculative construction; however, it would be better to build for the future and only build it once, rather than having to upgrade following future growth.

These communities suffer because the affected population is low. If the costs could be shared by more in the long-run, it would reduce the cost for everyone. To facilitate and strengthen this approach, the determination, imposition and spreading of infrastructure costs should be consistent with "nexus" and due process requirements, where applicable.

Conclusion

Thank you again for the opportunity to comment on the OPR's draft SB 244 Technical Advisory. As stated previously, the draft Technical Advisory is well-written and well-researched. Please provide any response and the final Technical Advisory to the undersigned at RMA.

Sincerely,



Michael C. Spata, Assistant Director – Planning Branch

cc: Jean Rousseau, Tulare County Administrative Officer
Debbie Vaughn, Senior Administrative Analyst, Tulare County Administration
Jake Raper, Jr., AICP, Director, Tulare County Resource Management Agency
Britt Fussel, Assistant Director – Public Works Branch
Roger Hunt, Assistant Director – Administration Branch
Laurie Mercer, Manager, Grants Division
Michael Washam, Economic Development Office
Fred Brusuelas, AICP, Chief Planner, Countywide Planning Division
David Bryant, Planner IV, Special Projects
Kathleen Bales-Lange, Tulare County Counsel
Ben Giuliani, Executive Officer, Tulare County Local Agency Formation Comm

BEFORE THE LOCAL AGENCY FORMATION COMMISSION
OF THE
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Amendment of)
Policy and Procedure C-1, Factors to)
Be Considered in Review of Proposals)

RESOLUTION NO. 12-0##

Upon motion of Commissioner X, seconded by Commissioner X, Tulare County LAFCO Policy C-1 (Factors to be Considered in Review of Proposals) and related forms are hereby amended to align with recent changes in State law (AB 2698) that replaced the term “resident” with “registered voter”, at a regular meeting held on this 5th day of December 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

bg



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 (559) 623-0450 FAX (559) 733-6720

COMMISSIONERS:

*Juliet Allen, Chair
Cameron Hamilton, V. Chair
Steve Worthley
Rudy Mendoza
Allen Ishida*

ALTERNATES:

*Gerald Magoon
Janet Hinesly
Mike Ennis*

EXECUTIVE OFFICER:

Ben Giuliani

December 5, 2012

TO: LAFCO Commissioners and Alternates

FROM: Ben Giuliani

SUBJECT: Alpaugh CSD Election Results

Background

The Commission ordered the conditional dissolution of the Tulare County Waterworks District #1 (TCWWD #1) without election and ordered the formation of the Alpaugh Community Services District (CSD) subject to the confirmation of the registered voters within the approved boundaries on July 11th, 2012. The dissolution of the TCWWD #1 was conditioned upon the successful formation of the Alpaugh CSD.

Discussion

The election for the formation of the Alpaugh CSD and its five-member board was held on Tuesday, November 6th. The final election results are set to be released on Tuesday, December 4th and will be submitted to the Commission for review at the December 5th meeting. Attached are preliminary results showing the successful formation of the CSD with 75.42% in favor and 24.58% opposed.

Recommendations

Staff is recommending that the Commission accept the final election results for the successful formation of the Alpaugh CSD.

Attachments:
Preliminary Election Results
Resolution

November 6, 2012

Summary Report

TULARE COUNTY

11/21/12 Summary Report

CITY OF LINDSAY Member, City Council	5/5	100.00%
Write-In	33	1.04%
Total ...	3,180	100.00%

CITY OF TULARE Member, City Council	5/5	100.00%
NPP - ALBERTO AGUILAR	410	19.51%
NPP - CHEYNE STRAWN	544	25.89%
NPP - SCOTT C. DALEY	420	19.99%
NPP - CARLTON JONES	706	33.60%
Write-In	21	1.00%
Total ...	2,101	100.00%

CITY OF TULARE Member, City Council	6/6	100.00%
NPP - CRAIG VEJVODA	1,727	51.05%
NPP - WAYNE ROSS	1,620	47.89%
Write-In	36	1.06%
Total ...	3,383	100.00%

CITY OF WOODLAKE Member, City Council	1/1	100.00%
NPP - LUCY CARDENAS	186	11.76%
NPP - JOE MARTINEZ	582	36.81%
NPP - VIRGIL MARK MUREHEAD	164	10.37%
NPP - RUDY MENDOZA	509	32.19%
NPP - MICHAEL NAVARRO	129	8.16%
Write-In	11	0.70%
Total ...	1,581	100.00%

ALPAUGH Director - Community Svcs	1/1	100.00%
NPP - BENJAMIN ANDERSON	66	14.25%
NPP - ROGER STRICKLAND	71	15.33%
NPP - LUISA GARCIA	60	12.96%
NPP - DAVON GARY GREGORY	79	17.06%
NPP - TRACY MOLINA	55	11.88%
NPP - GARY W. JENNINGS	31	6.70%
NPP - ROBERT D. BONTRAGER	35	7.56%
NPP - MEL PHIPPS	57	12.31%
Write-In	9	1.94%
Total ...	463	100.00%

SIERRA VIEW DISTRICT HOSPITAL, Director	58/58	100.00%
NPP - JASVIR SIDHU	8,651	22.25%
NPP - RICHARD HATFIELD	6,261	16.10%
NPP - MARK FAZZONE	2,879	7.40%
NPP - MARTHA A. FLORES	5,491	14.12%
NPP - BRENT GILL	5,971	15.36%
NPP - RAKESH JINDAL	3,693	9.50%
NPP - GAURANG "DOCTOR" PANDYA	5,880	15.12%
Write-In	56	0.14%
Total ...	38,882	100.00%

TULARE LOCAL HEALTH CARE DIST Director	7/7	100.00%
NPP - ROSALINDA AVITIA	1,028	51.43%
NPP - LAURA GADKE	953	47.67%
Write-In	18	0.90%

Total ... 1,999 100.00%

VISALIA MEM DISTRICT Director, Veterans	61/61	100.00%
NPP - RICHARD AVERY	15,392	22.81%
NPP - DENNIS SIRKIN	9,506	14.09%
NPP - AMADOR GARCIA JR	9,736	14.43%
NPP - ANDREW JOHN MACDONALD	11,391	16.88%
NPP - FRANK S. LOVERO SR	11,194	16.59%
NPP - RICHARD PAUL BOYER	10,105	14.98%
Write-In	151	0.22%
Total ...	67,475	100.00%

PIXLEY PUBLIC UTIL DIST Director, Seat	1/1	100.00%
NPP - PEGGY DUFF	177	53.47%
NPP - ROY LEE VELYNES JR	154	46.53%
Write-In	0	0.00%
Total ...	331	100.00%

Measure 30	263/263	100.00%
YES	37,864	41.16%
NO	54,134	58.84%
Total ...	91,998	100.00%

Measure 31	263/263	100.00%
YES	38,255	43.58%
NO	49,535	56.42%
Total ...	87,790	100.00%

Measure 32	263/263	100.00%
YES	49,923	54.79%
NO	41,190	45.21%
Total ...	91,113	100.00%

Measure 33	263/263	100.00%
YES	45,365	50.48%
NO	44,509	49.52%
Total ...	89,874	100.00%

Measure 34	263/263	100.00%
YES	28,021	30.97%
NO	62,460	69.03%
Total ...	90,481	100.00%

Measure 35	263/263	100.00%
YES	74,908	82.67%

November 6, 2012

Summary Report

TULARE COUNTY

11/21/12 Summary Report

Measure M - CITY OF EXETER TOT TAX 6/6 100.00%

YES	1,717	67.39%
NO	831	32.61%

Total ...	2,548	100.00%
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Measure N - CITY OF EXETER - CITY CLE 6/6 100.00%

YES	1,267	51.95%
NO	1,172	48.05%

Total ...	2,439	100.00%
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Measure O - CITY OF EXETER - CITY TRE 6/6 100.00%

YES	1,210	49.41%
NO	1,239	50.59%

Total ...	2,449	100.00%
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Measure P - CITY OF VISALIA 43/43 100.00%

YES	13,231	40.61%
NO	19,347	59.39%

Total ...	32,578	100.00%
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Measure Q - ALPAUGH CSD 1/1 100.00%

YES	89	75.42%
NO	29	24.58%

Total ...	118	100.00%
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BEFORE THE LOCAL AGENCY FORMATION COMMISSION
OF THE
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Election Results for the)
Formation of the Alpaugh Community)
Services District, LAFCO Case No. 1491)

RESOLUTION NO. **12-0##**

WHEREAS, the Commission ordered the conditional dissolution of the Tulare County Waterworks District #1 without election and ordered the formation of the Alpaugh Community Services District (CSD) subject to the confirmation of the registered voters within the approved boundaries in accordance with Section 57077(a)(1) of the Government Code on July 11th, 2012 (Resolution 12-013); and

WHEREAS, the election for the formation of the Alpaugh CSD and its five-member board was held on Tuesday, November 6th, 2012; and

WHEREAS, the Tulare County Elections Office released the final election results (attached) on Tuesday, December 4th, with ##% (# votes) for formation and ##% (# votes) against formation (Measure Q).

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

1. The formation of the Alpaugh Community Services District was affirmed by the registered voters within the new district.

The forgoing resolution was adopted upon motion of Commissioner X, seconded by Commissioner X, at a regular meeting held on this 5th day of December 2012, by the following vote:

AYES :

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 (559) 623-0540 FAX (559) 733-6720

COMMISSIONERS:

*Juliet Allen, Chair
Cameron Hamilton, V. Chair
Steve Worthley
Rudy Mendoza
Allen Ishida*

December 5, 2013

ALTERNATES:

*Mike Ennis
Janet Hinesly
Dennis Mederos*

TO: All LAFCO Commission Members and Alternates

FROM: Cynthia Echavarria, Staff Analyst

EXECUTIVE OFFICER:
Ben Giuliani

SUBJECT: Election of Officers for 2013

Commission Policy A-4 requires that LAFCO Chair and Vice-Chair be annually chosen on a rotating basis (City-County-Public) so that all members will have an equal opportunity to serve as an officer. City representative Cameron Hamilton is scheduled to be selected as Chair. County representative Steve Worthley is scheduled to be selected as Vice-Chair. The Commission has traditionally rotated the Chair from a City to County to Public member. The terms of office for chair and vice-chair shall be one year from January 1 to December 31.

Current Member Roster

<u>Member</u>	<u>Term Expires</u>
Steve Worthley (<i>Vice Chair - proposed</i>)	May 2016
Allan Ishida (<i>Commissioner</i>)	May 2014
Juliet Allen (<i>Commissioner</i>)	May 2014
Cameron Hamilton (<i>Chair - proposed</i>)	May 2016
Rudy Mendoza (<i>Commissioner</i>)	May 2015
Mike Ennis (<i>Alternate</i>)	May 2015
Janet Hinesly (<i>Alternate</i>)	May 2013
Dennis Mederos (<i>Alternate</i>)	May 2016

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church Street, Suite B, Visalia 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

December 5, 2012

To: LAFCO Commissioners and Alternates
From: Cynthia Echavarria, Staff Analyst
Subject: 2012 Map Presentation

COMMISSIONERS:
*Juliet Allen, Chair
Cameron Hamilton, V. Chair
Steve Worthley
Rudy Mendoza
Allen Ishida*

ALTERNATES:
*Dennis A. Mederos
Janet Hinesly
Mike Ennis*

EXECUTIVE OFFICER:
Ben Giuliani

Local Agency Formation Commissions (LAFCOs) were established in each California county with the purpose of discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing governmental services to the residents of their respective counties, and encouraging the orderly formation and development of local agencies (i.e. cities and special districts) based on local conditions and circumstances. To help the Commission accomplish its propose, the Cortese-Knox-Hertzberg Local Reorganization Act of 2000 (Act) establishes procedures for local government changes of organization that are subject to commission review and approval such as annexations to a city or special district, city incorporation, district formation and consolidation of districts. A copy of the latest version of the Act can be accessed here http://calafco.org/docs/CKH/2011_CKH_Guide.pdf.

A series of maps, graphs and tables are presented each December, which track changes within several categories under the purview of the Commission. These maps not only provide the Commission insight into future issues, challenges, and opportunities that could arise during consideration of future proposals, but they also serve as a gauge of the Commission's progress in accomplishing their purpose. The following is a summary of the materials contained in this presentation.

Figure 1 (LAFCO Activity Overview)

During the calendar year 2012, Tulare County LAFCO approved six proposals:

- Poplar annexation (Case1487)
- Formation of Alpaugh Community Service District (Case1491)
- Dissolution of Tulare County Water Works District #1
- Sphere of Influence Updates to Lindmore ID and Lindsay-Strathmore ID (Case 1488 and 1489)
- Group 4 SOI updates (22 districts)

- Dinuba MSR update
- Visalia MSR update (December)
- Amendments to Tulare County LAFCO Policy C-1

This map provides an overview of where this activity took place.

Tables 1 (Cities) and Table 2 (Special Districts) correspond to Figure 1. The tables summarize city and special district growth in terms of total acreage and square mileage over the period 1/1/1980 to 1/1/2013. Cities and special districts that annexed territory into their jurisdictional boundaries during 2012 are highlighted in blue, while districts that simply extended services to an area outside of their jurisdictional boundaries through an Extraterritorial Service Agreement (ESA) are highlighted in red.

Note: Only districts that provide an urban level of service appear on Table 2. Growth of these districts, in terms of acreage and square mileage, is a dependable indicator of pressure on open space and agricultural land as well as demand for urban services and space. There were extraterritorial service agreements approved in 2012.

The County's four most populace cities experienced the largest total acreage increase and highest square mileage growth rate from 1/1/1980 to 1/1/2013. The special districts listed have experienced little growth over the last 32 years. Only four districts: Strathmore PUD, Earlimart PUD, Ivanhoe PUD, and Poplar PUD, have annexed territory into their jurisdictional boundaries and only one district, Alpaugh CSD has been formed over the last 5 years. Generally, Tulare County special districts lack the financial resources and adequate infrastructure to support additional growth of any type. Table 2 indicates that districts containing the most populated unincorporated communities within their jurisdictional boundaries have experienced the largest gain in total acreage and largest percentage increase in square mileage area; however, according to LAFCO archives, most of that growth occurred from 1980 to 2000.

Table 3 also corresponds to Figure 1. The table provides the total amount of acreage annexed each year and further divides the total into developed acres, undeveloped acres and road right-of-way (ROW) in terms of acres. The total amount of proposals considered by the Commission each year is also provided, as well as annexation proposals 300 acres in size or larger.

City Maps

Individual maps of the County's (8) cities are included with Figure 1. Along with each city's SOI and potential annexations, the maps include disadvantaged communities located within a city's SOI or in an area that can reasonably be expected to be added to a city's SOI during future updates. A disadvantaged community is defined in LAFCO Policy C-5.11(C)

Why Include Disadvantaged Communities

A city or special district SOI outlines where a city/special district will presumably grow over the next 20 years. In order to accurately assess a local agencies growth over this period of time, a SOI must be based on the findings and determinations contained in each agency's Municipal Service Review (MSR).

A MSR is prepared by LAFCO and updated every 5 years. The document reviews all municipal services provided by a particular agency and determinations must be made with respect to the following factors:

- (1) Growth and population projections for the affected area.
- (2) Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
- (3) Financial ability of agencies to provide services.
- (4) Status of, and opportunities for, shared facilities.
- (5) Accountability for community service needs, including governmental structure and operational efficiencies.
- (6) Any other matter related to effective or efficient service delivery, as required by commission policy.

Inclusion of disadvantaged communities in city maps allows the Commission to preview implementation of Policy C-5, which proposes that disadvantaged communities located with a city/special district's current SOI be included within the geographic scope of that agency's MSR. Such a policy will aid Tulare County LAFCO in accomplishing its purpose of efficiently providing governmental services to all county residents.

Figure 2 (Prime Agricultural Soils)

This map shows the five classes of soils identified by the USDA Soil Survey of Tulare County and their location throughout the County. Class 1 and 2 are identified as prime agricultural soils, all other classes are considered non-prime. Visalia and Tulare, the county's fastest growing cities in terms of total acreage annexed, are predominately surrounded by Class 1 and 2 soils. This indicates that a large portion of prime agricultural land will inevitably be converted to urban uses. In order to curb the loss of prime agricultural land, the Commission could explore the possibility of preparing an ag mitigation policy similar to that of other LAFCO's in the State.

Table 4 – This table corresponds to Figure 3. The table shows the loss of prime agricultural soils from 1/1/1980 to 1/1/2013, both in terms of total acreage and percentage of square mileage. The table also contains a pie chart illustrating the proportion each soil class represents of all soil within Tulare County

Figure 3 (Williamson Act Land)

In order for land to be considered prime agricultural land, it must meet one of five requirements listed under GC 56064; a USDA 1 or 2 soil classification is listed as a requirement. While land under Williamson Act contract isn't specifically defined as prime under Code, it can be an indicator of the presence of other qualifications for prime land.

Also, the locations of contracts with notices of non-renewal may indicate future growth pressure in the area.

Figure 4 (Land Uses)

The various land uses in the county can also be indicators of what would qualify as prime agricultural land pursuant to the economic qualifications detailed in GC 56064 (e).

Figure 5 (Lands Owned by Government Entities)

This map identifies lands owned by the federal, state, county, city, district (all types of districts including special districts and school districts) governments. The map also includes land under trust for the purpose of open-space conservancy.

Figure 6 (Dairy Land)

Dairy land would qualify as prime under the economic qualifications outlined in GC 56064 (e). The location of dairy land may also show restrictions to future city/district growth.

Table 5 – For each of the last six years (2007-2012), this table shows total acreage annexed each year, the amount of acres pre-zoned residential, commercial, industrial, and institutional, and the percentage of the total acres annexed each land-use category represents.

Residential

As the figures indicate, at the height of the housing bubble in 2006 annexations intended to accommodate residential development accounted for almost 75% of all acres annexed. In 2012 no annexations occurred in this category.

Commercial

Commercial annexations saw modest spikes in 2007 (47% of total). Total commercial acres annexed between 2006 and 2012 were minimal with 77% of total commercial acreage annexed in 2007. In 2012 no annexations occurred in this category.

Industrial

2007 and 2011 experienced spikes in industrial annexations; however, these were the result of a single annexation in each year. All industrial sites annexed between 2006 and 2007 remain undeveloped; a fact that will figure prominently as the Commission looks to establish a commercial/industrial land demand methodology. In 2012 no annexations occurred in this category.

Institutional

This type of use includes sites slated for the development of parks, accommodation of city municipal service facilities, road improvements or construction, etc. Annexation rates for this type of use remained steady between 2006 and 2010. In 2012 no annexations occurred in this category.

Table 1 - City Area Increase 1980 to 2012

	1/1/1980 Acres	1/1/2013 Acres	Annexed Acres	1/1/1980 Sq. Miles	1/1/2013 Sq. Miles	Annexed Sq. Miles	% Increase
Dinuba	1,429.4	3,719.3	2,289.9	2.2	5.8	3.6	160.2
Exeter	1,168.2	1,568.0	399.8	1.8	2.4	0.6	34.2
Farmersville	935.5	1,355.8	420.4	1.5	2.1	0.7	44.9
Lindsay	1,370.5	1,654.8	284.4	2.1	2.6	0.4	20.7
Porterville	6,429.9	10,837.2	4,407.3	10.0	16.9	6.9	68.5
Tulare	7,106.4	13,222.0	6,115.6	11.1	20.7	9.6	86.1
Visalia	13,253.4	23,430.2	10,176.8	20.7	36.6	15.9	76.8
Woodlake	925.0	1,770.9	845.9	1.4	2.8	1.3	91.4
CITY TOTAL	32,618.2	57,558.3	24,940.1	51.0	89.9	39.0	76.5

Table 2 - Urban District Area Increase 1980 to 2011

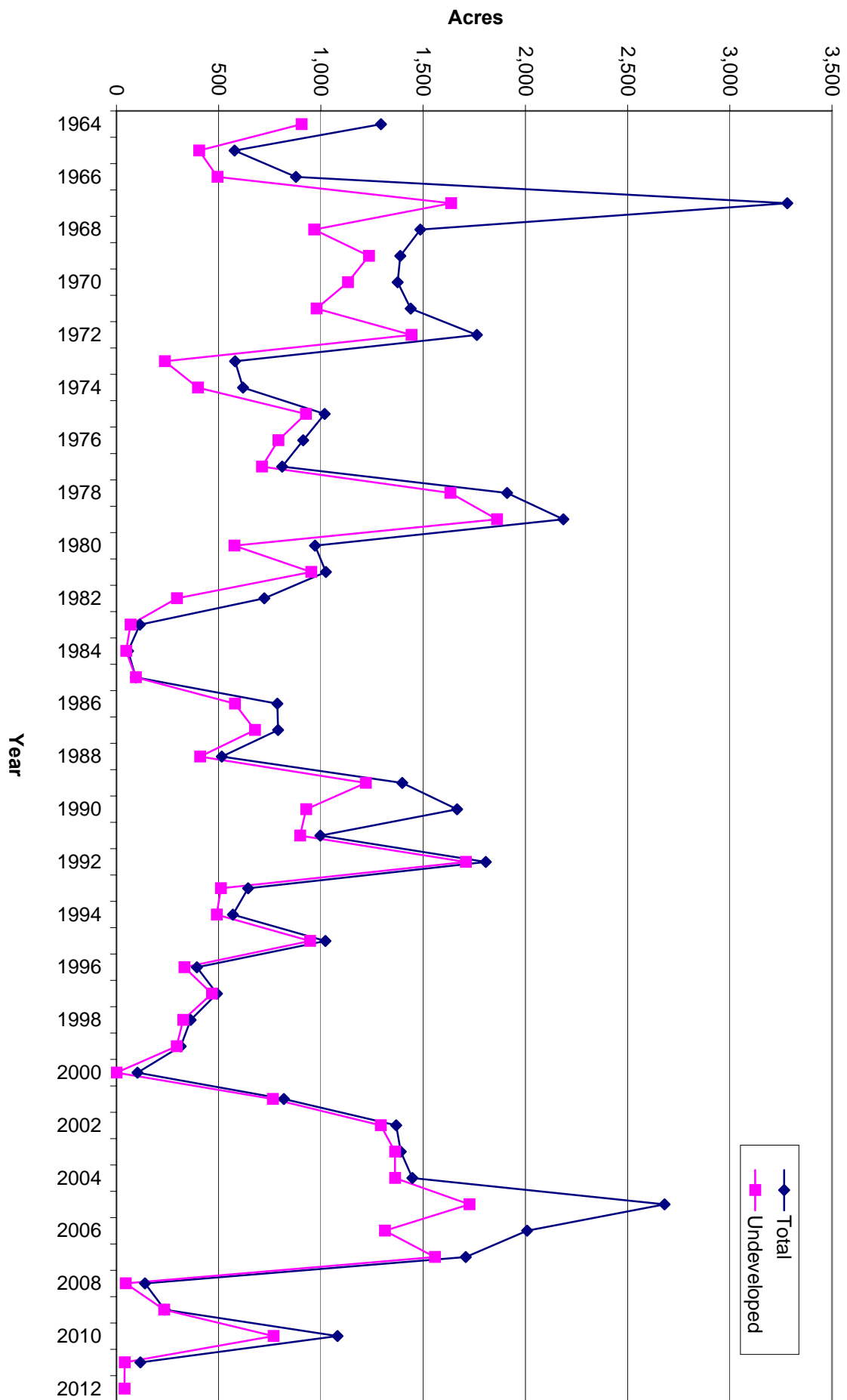
	1/1/1980 Acres	1/1/2012 Acres	Annexed Acres	1/1/1980 Sq. Miles	1/1/2012 Sq. Miles	Annexed Sq. Miles	% Increase
Allensworth CSD	783.1	783.1	0.0	1.2	1.2	0.0	0.0
AV/SC CSD	985.3	985.3	0.0	1.5	1.5	0.0	0.0
Cutler PUD	581.5	665.1	83.6	0.9	1.0	0.1	14.4
Ducor CSD	263.3	263.3	0.0	0.4	0.4	0.0	0.0
Earlimart PUD	852.5	1,008.0	155.5	1.3	1.6	0.2	18.2
East Orosi CSD	52.9	52.9	0.0	0.1	0.1	0.0	0.0
Goshen CSD	514.5	1,144.8	630.3	0.8	1.8	1.0	122.5
Ivanhoe PUD	594.8	626.9	32.1	0.9	1.0	0.1	5.4
Lemon Cove SD	21.3	24.0	2.8	0.0	0.0	0.0	13.0
London CSD	189.7	189.7	0.0	0.3	0.3	0.0	0.0
Orosi PUD	717.0	887.7	170.7	1.1	1.4	0.3	23.8
Patterson Tract CSD	77.9	77.9	0.0	0.1	0.1	0.0	0.0
Pixley PUD	633.7	888.9	255.2	1.0	1.4	0.4	40.3
Ponderosa CSD	251.6	251.6	0.0	0.4	0.4	0.0	0.0
Poplar CSD	176.6	418.1	241.5	0.3	0.7	0.4	136.7
Porter Vista PUD	1,742.8	1,742.8	0.0	2.7	2.7	0.0	0.0
Richgrove CSD	263.4	361.9	98.5	0.4	0.6	0.2	37.4
Springville PUD	303.7	308.8	5.1	0.5	0.5	0.0	1.7
Strathmore PUD	398.0	417.6	19.7	0.6	0.7	0.0	4.9
Sultana CSD	317.3	317.3	0.0	0.5	0.5	0.0	0.0
Terra Bella SMD	165.1	169.6	4.6	0.3	0.3	0.0	2.8
Teviston CSD	191.5	191.5	0.0	0.3	0.3	0.0	0.0
Three Rivers CSD	5,253.4	5,253.4	0.0	8.2	8.2	0.0	0.0
Tipton CSD	673.0	683.3	10.3	1.1	1.1	0.0	1.5
Tract 92 CSD	73.4	73.4	0.0	0.1	0.1	0.0	0.0
Woodville PUD	319.2	336.3	17.0	0.5	0.5	0.0	5.3
DISTRICT TOTAL	16,396.5	18,123.4	1,726.9	25.6	28.3	2.7	10.5

Table 3 : City/Urban District Annexations Per Year

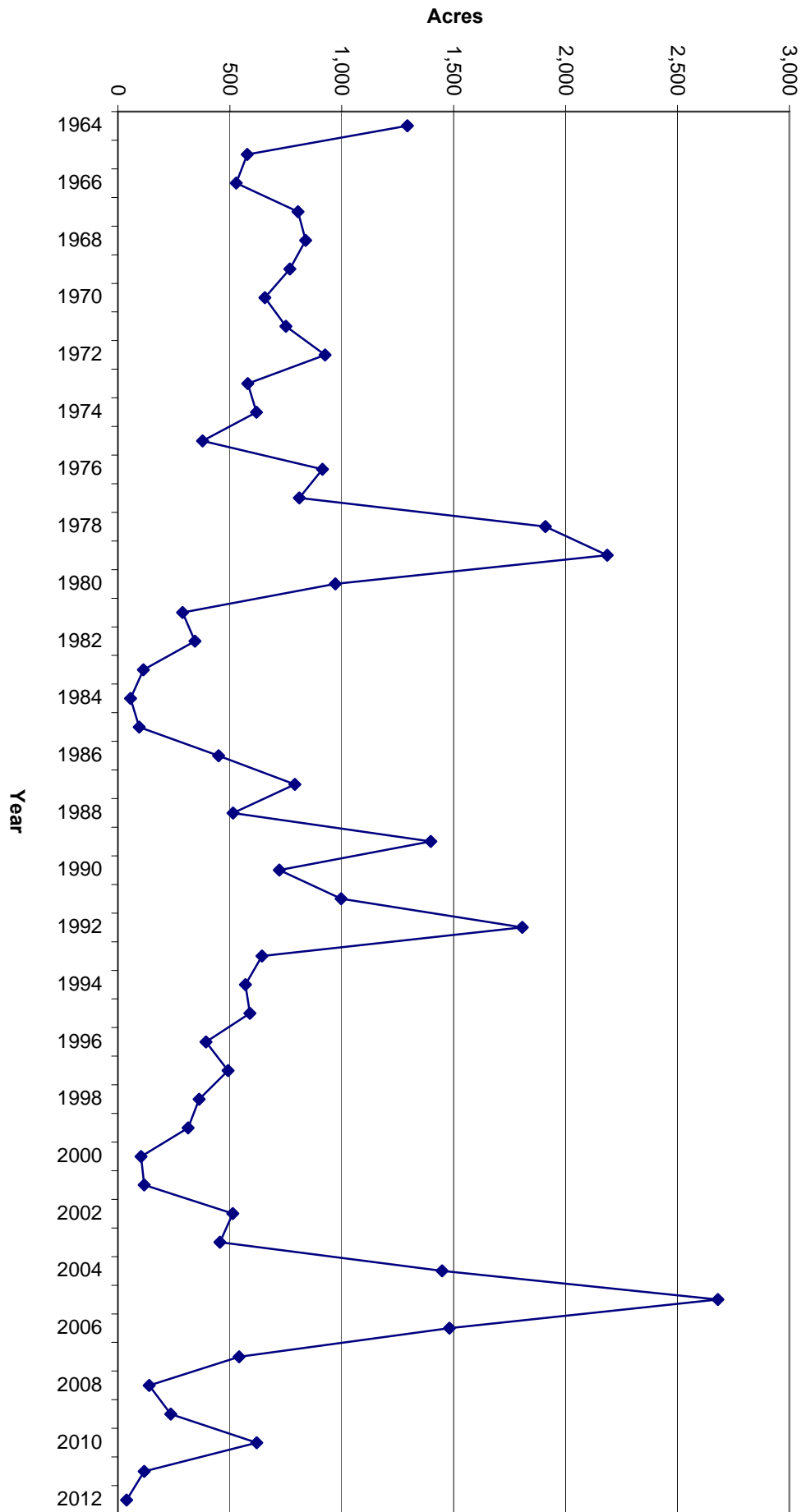
Year	Total	Undeveloped	Developed	ROW	Projects	Annexations of over 300 acres:
1964	1,293.60	905.5	258.7	129.4	34	
1965	578	404.6	115.6	57.8	18	
1966	877.9	493.4	280.7	103.8	25	349ac to Visalia for Mooney Grove Park area
1967	3,281.50	1,637.10	1,351.70	292.8	30	928ac to Porterville for airport
1968	1,486.90	967.1	417.7	102.1	56	648ac to Porterville for State Hospital
1969	1,388.80	1,235.30	91.3	62.3	30	621ac to Visalia for industrial
1970	1,375.80	1,132.40	159.7	83.7	31	405ac to Visalia for residential
1971	1,439.80	978.2	300.9	136.4	36	689ac to Tulare for industrial
1972	1,762.80	1,443.00	196.1	123.8	53	474ac to Visalia for residential
1973	579.8	236.6	273.6	69.6	24	
1974	619.2	398.5	192.4	28.3	26	
1975	1,018.50	925.9	49.5	42.3	20	332ac to Tulare for industrial
1976	913.8	791.9	53.1	67.5	42	
1977	810.8	711.2	53.2	47.4	49	
1978	1,910.40	1,633.30	68.7	206.5	68	
1979	2,185.80	1,860.60	188.1	166.7	70	
1980	971.4	577.1	296.2	98.1	30	
1981	1,024.40	952.3	16	56	16	736ac to Tulare for Farm Show and surrounding area
1982	723.6	295.1	413.8	14.7	13	380ac to Woodlake for Bravo Lake
1983	114.5	68.5	27.9	18.1	6	
1984	56.8	47.6	2.2	7.1	9	
1985	94.9	94.9	0	0	8	
1986	787.14	578.43	157.42	51.3	17	337ac to Visalia for Green Acres Airport and surrounding area
1987	789.94	676.74	66.51	46.68	22	
1988	514.89	408.69	36.4	69.79	15	
1989	1,397.36	1,219.34	76.61	101.42	24	
1990	1,666.24	927.22	647.25	91.77	25	622ac to Tulare (Lagomarsino) and 323ac to Visalia (industrial uses)
1991	997.2	897.6	18.99	80.61	24	
1992	1,806.90	1,708.49	12.18	86.23	29	
1993	643.94	510	92.97	40.97	14	
1994	570.06	490.56	46.98	32.52	9	
1995	1,022.06	946.69	5.07	70.31	21	432ac to Goshen CSD for primarily industrial uses
1996	393.09	331.75	14.7	46.65	9	
1997	491.72	467.22	8.23	16.27	14	
1998	363.31	326.23	1.49	35.59	11	
1999	314.13	293.7	1.53	18.89	7	
2000	102.99	0	99.93	3.06	6	
2001	819.22	764.18	1.45	53.59	5	702ac to Visalia for Shannon Ranch

2002	1,368.78	1,292.33	27.5	48.95	11	472ac to Visalia (residential)
2003	1,390.80	1,361.98	4.8	24.02	16	935ac to Visalia for wastewater irrigation
2004	1,448.00	1,362.61	34.3	51.09	22	
2005	2,680.64	1,726.33	756.22	198.1	43	
2006	2,008.70	1,313.00	537.2	158.4	33	527ac to Dinuba for RCR project
2007	1,708.34	1,557.18	106.21	44.95	20	707ac to Porterville (wastewater irr.)
2008	139.99	45.48	70.96	23.55	3	
2009	236.63	232.29	1.54	2.8	5	
2010	1,081.59	768.23	245.61	67.75	9	461ac to Tulare (industrial)
2011	117.03	40	74.23	2.8	2	
2012	38.46	38.46	0.00	0.00	1	The annexation of 38.46 acres to the Poplar Community Services District
TOTAL	48,114.55	37,169.33	7,694.68	3,253.06	1,077	

Annexation Acreage per Year

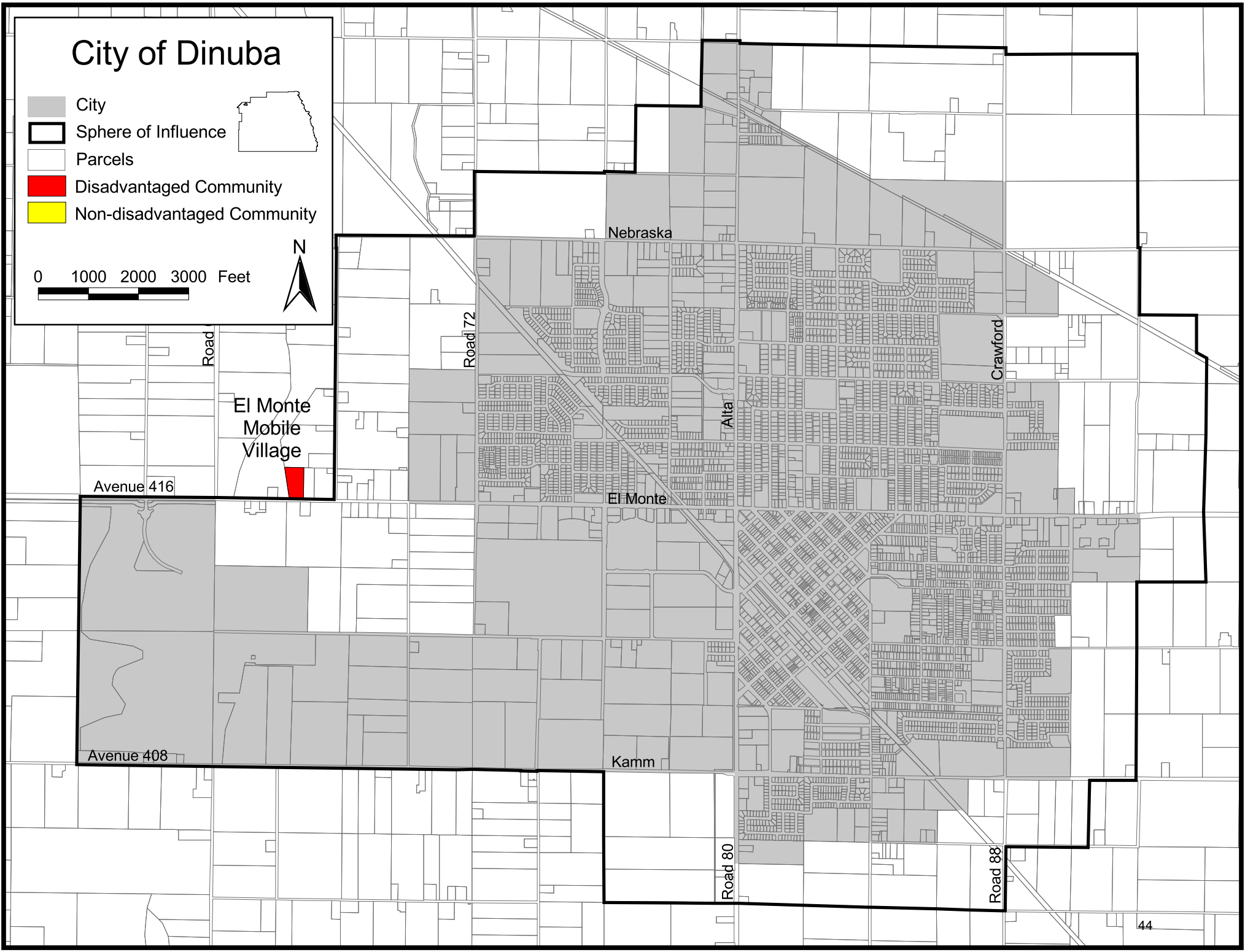
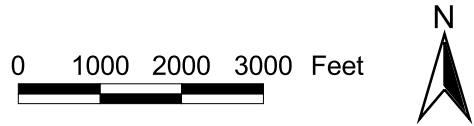


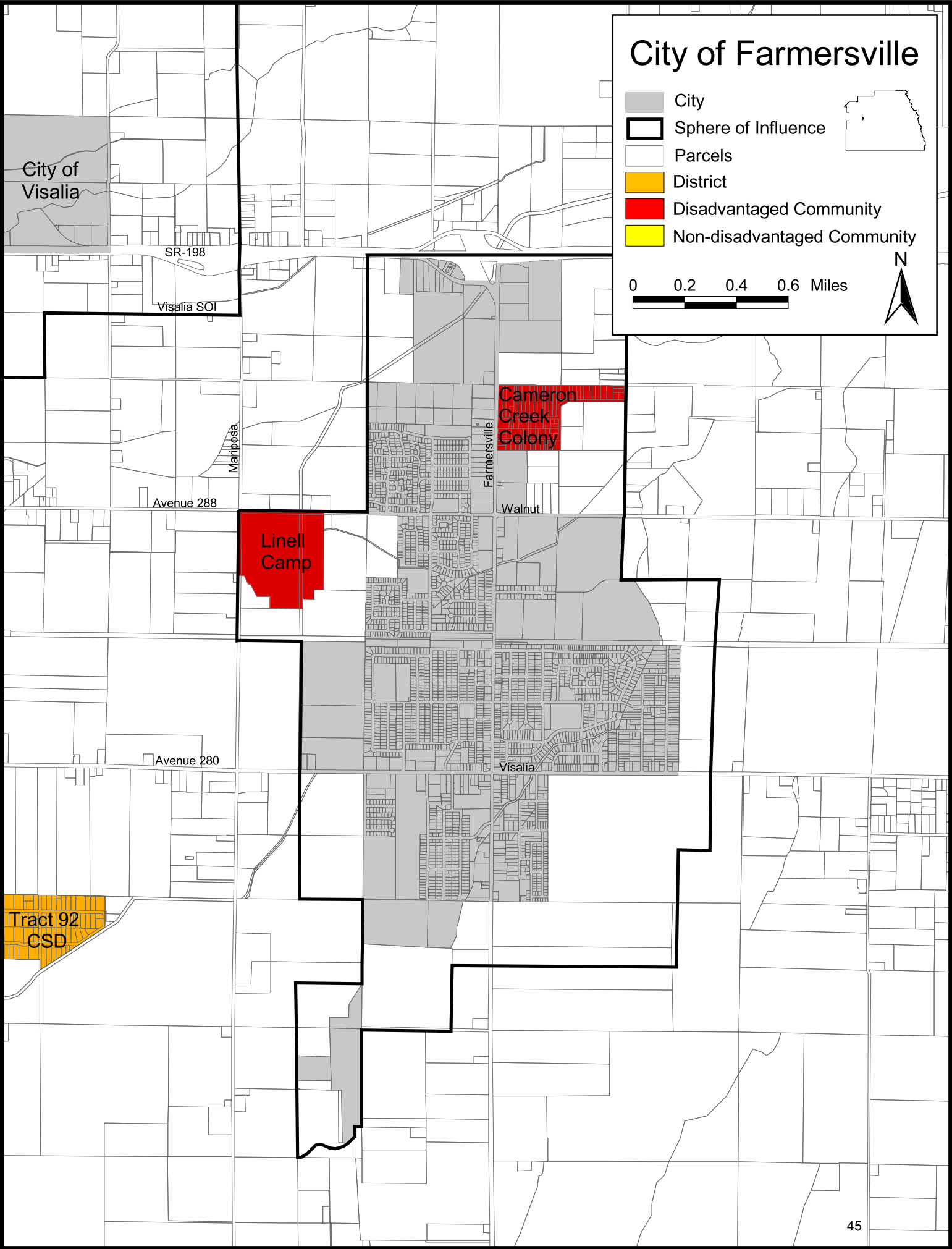
Annexation Acreage per Year



City of Dinuba

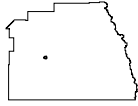
- City
- Sphere of Influence
- Parcels
- Disadvantaged Community
- Non-disadvantaged Community



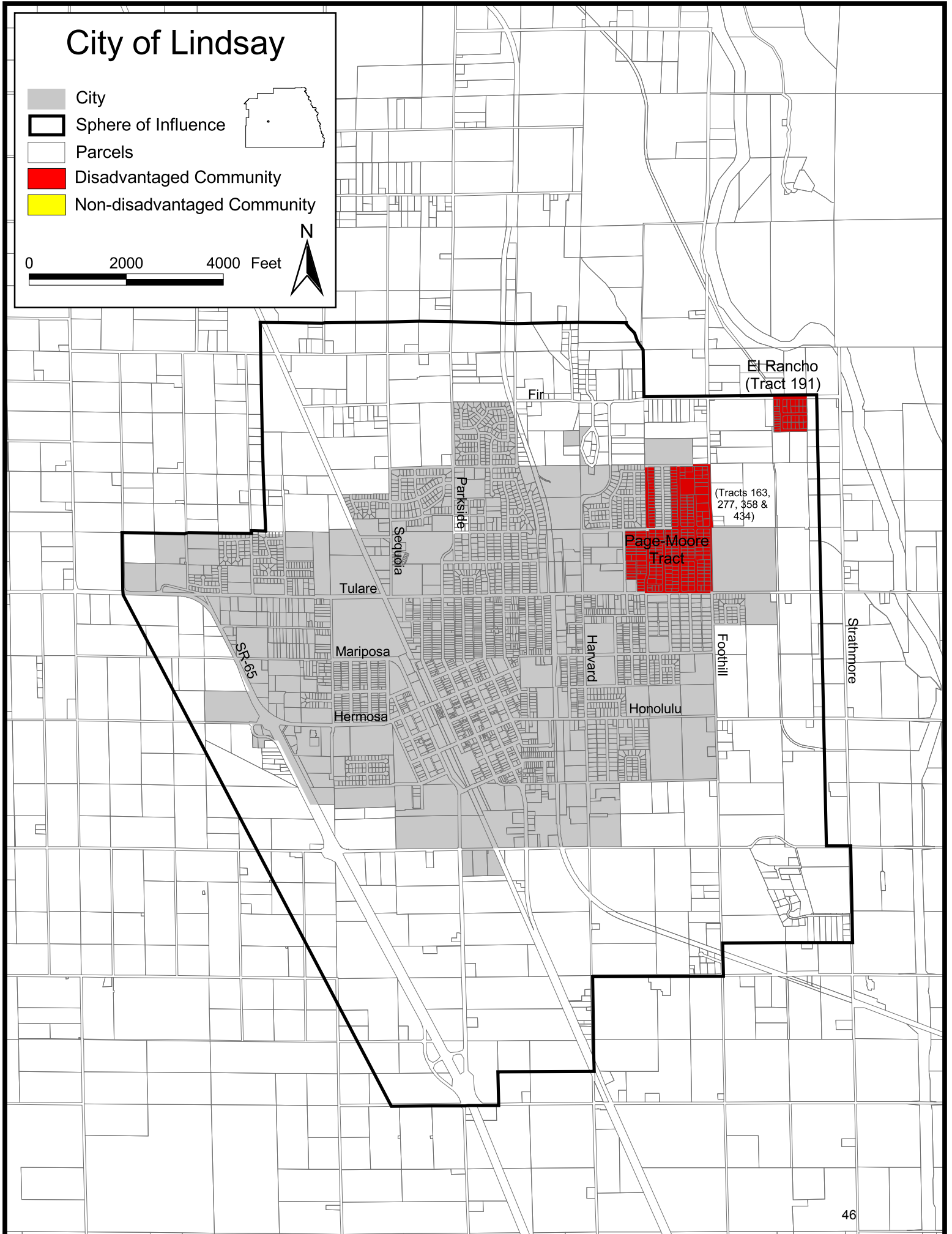


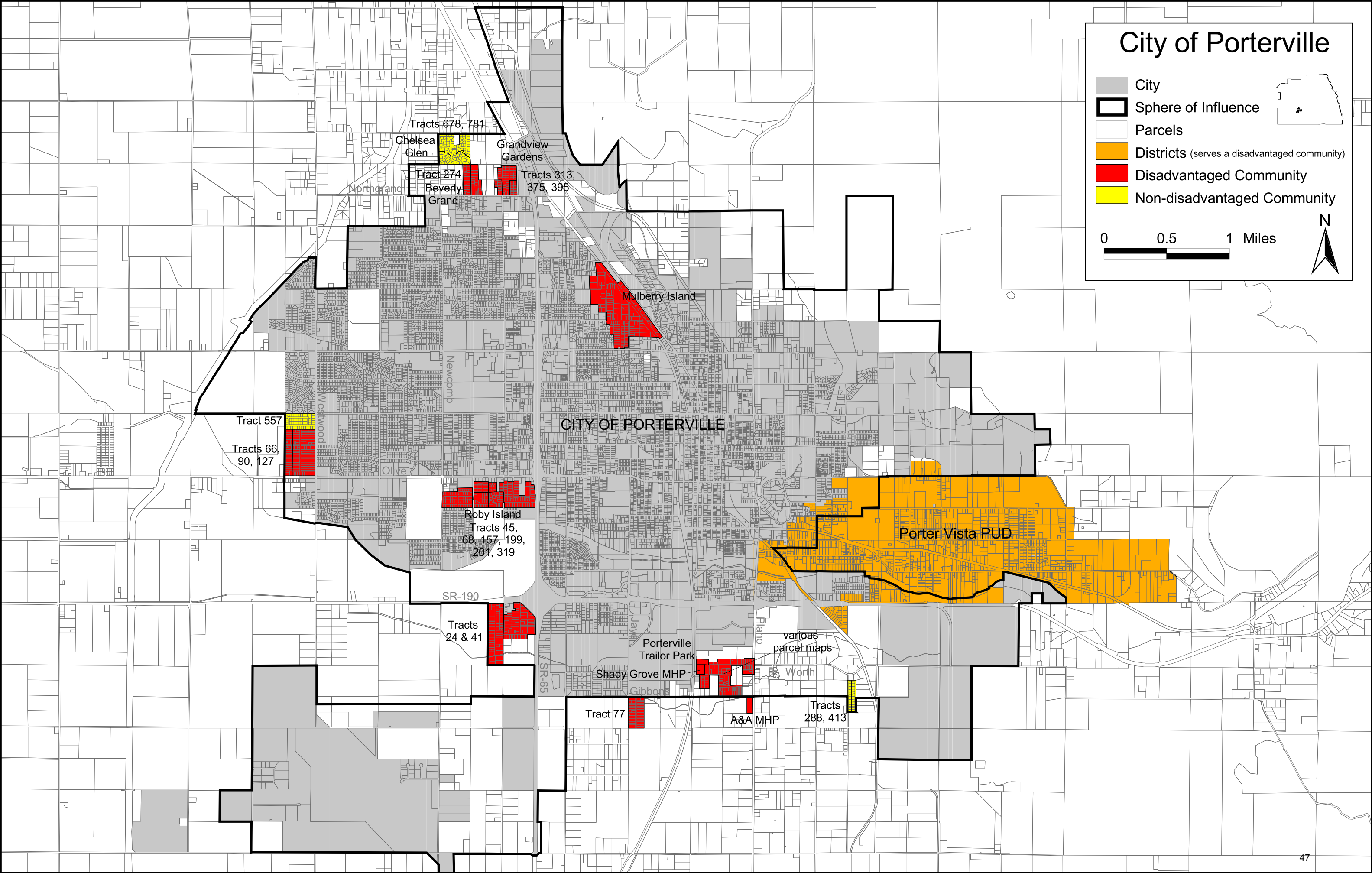
City of Lindsay

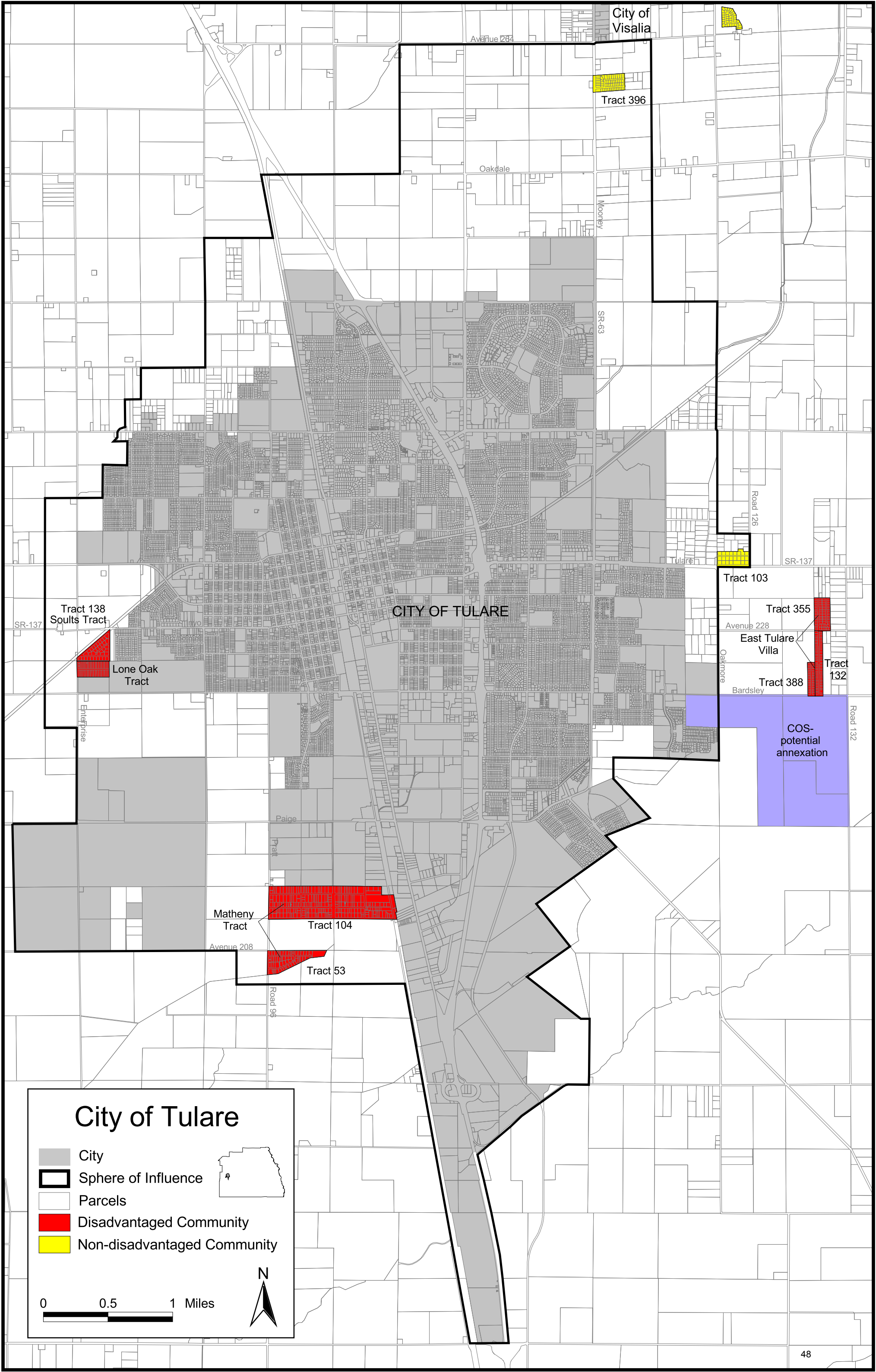
- City
- Sphere of Influence
- Parcels
- Disadvantaged Community
- Non-disadvantaged Community

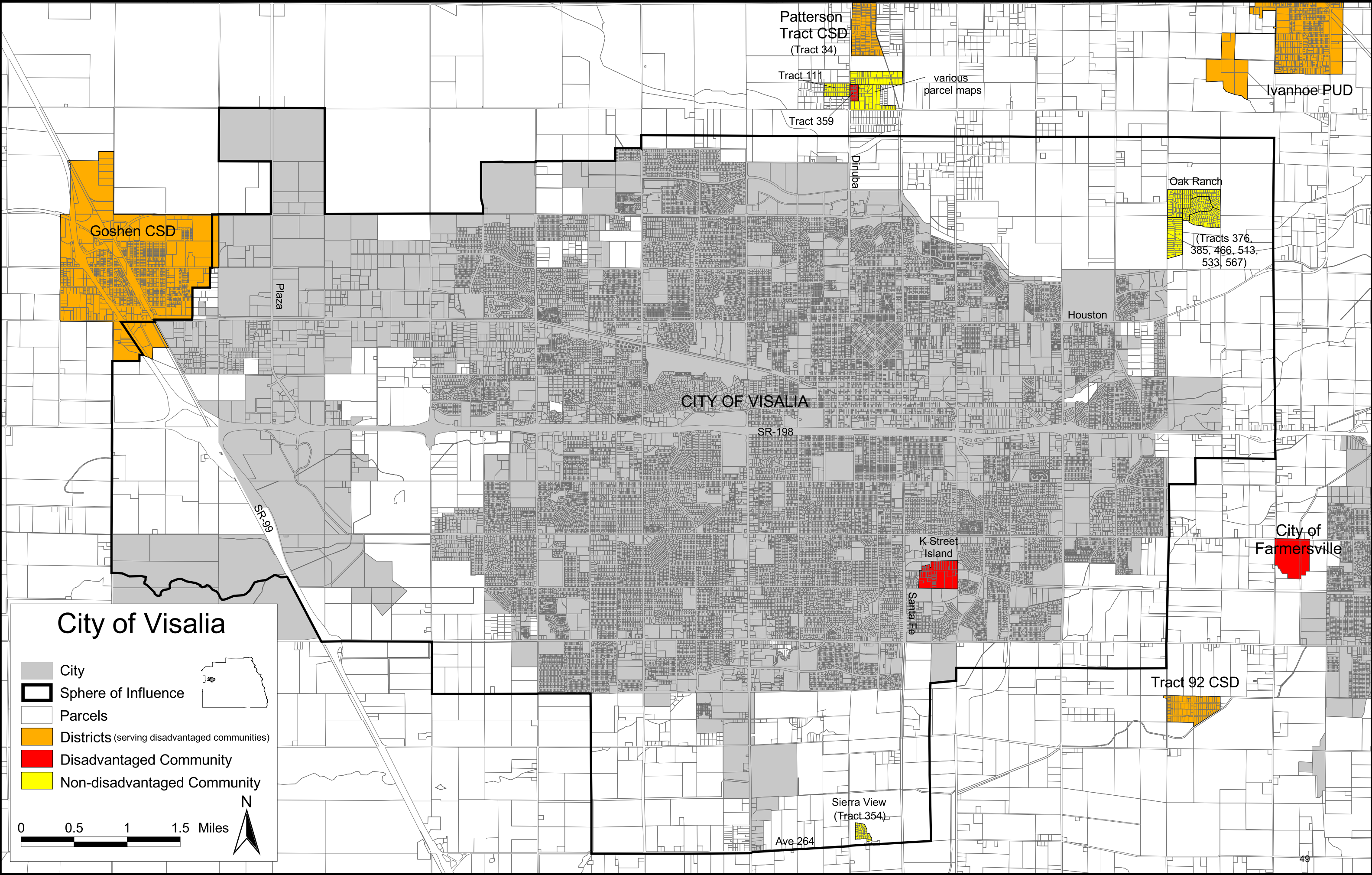


0 2000 4000 Feet



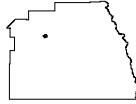






City of Woodlake

- City
- Sphere of Influence
- Parcels
- District (serves a disadvantaged community)
- Disadvantaged Community
- Non-disadvantaged Community



0 2000 4000 Feet



Avenue 352

Lakeview

Naranjo

CSA #2
(Wells Tract)

Road 196

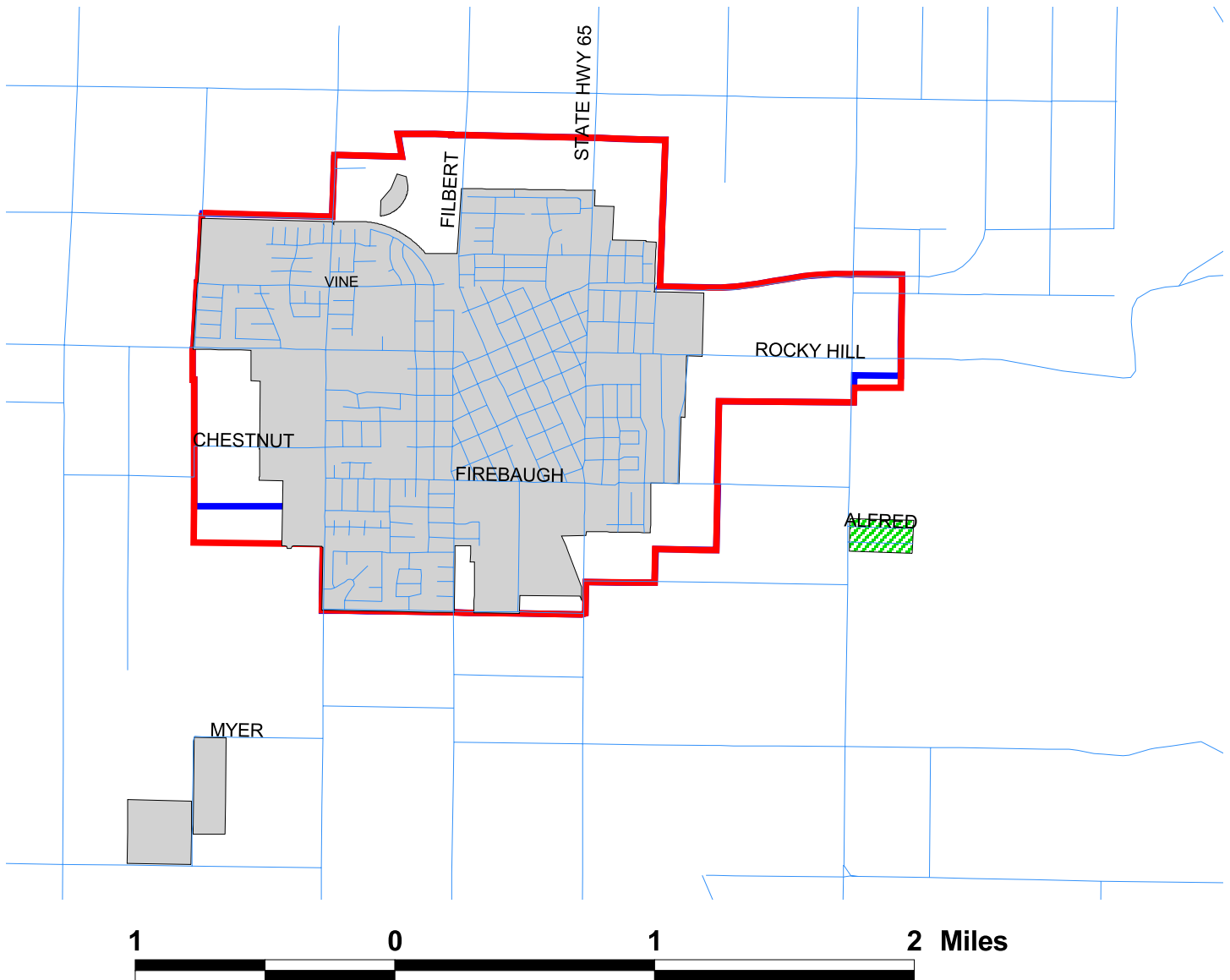
Road 204

Avenue 336

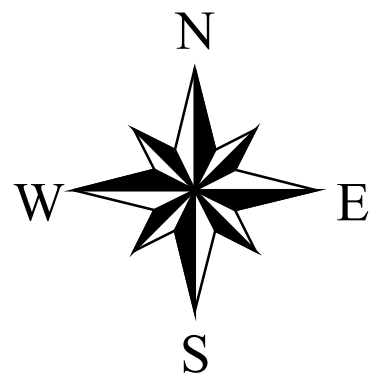
Valencia

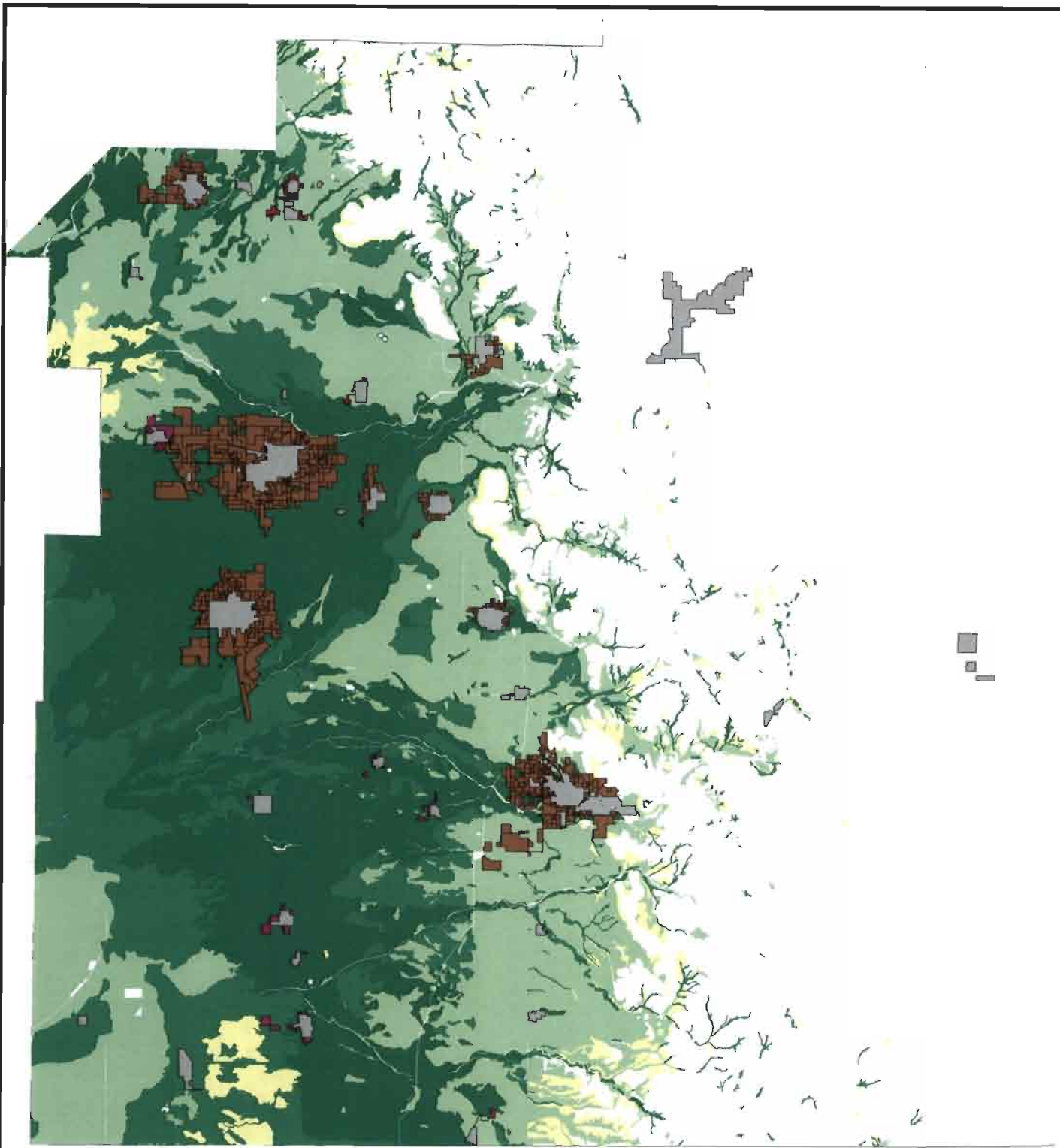
Saint Johns

Exeter



-  CITY
-  SOI
-  UDB
-  Potential Annexations
-  Disadvantaged Communities





■ City Annexations Since 1964
 ■ District Annexations Since 1964
 Soils by Class
 I
 II
 III
 IV

Prime Agricultural Soils USDA Soil Survey of Tulare County

0 0.2 0.4 Miles



FIGURE 2

Table 4 - Annexations per Soil Type (USDA classifications) 1980 to 2012

	1/1/1980 Acres	1/1/2012 Acres	Annexed Acres	1/1/1980 Sq. Miles	1/1/2012 Sq. Miles	Annexed Sq. Miles	% Decrease
Class I	392,000.6	374,002.6	17,998.0	612.5	584.4	28.1	4.6
Class II	115,157.4	112,334.8	2,822.6	179.9	175.5	4.4	2.5
Non-Prime	596,052.7	591,875.2	4,177.5	931.3	924.8	6.5	0.7
Other	1,946,966.6	1,945,208.0	1,758.7	3,042.1	3,039.4	2.7	0.1
Cities/Districts	49,014.7	75,681.7	26,596.5	76.6	118.3	41.6	(46.3)

Notes:

*The acreage and square mileage figures for soil types exclude areas inside City, PUD, CSD and SMD boundaries.

*Other smaller developed areas within the County are not taken into account.

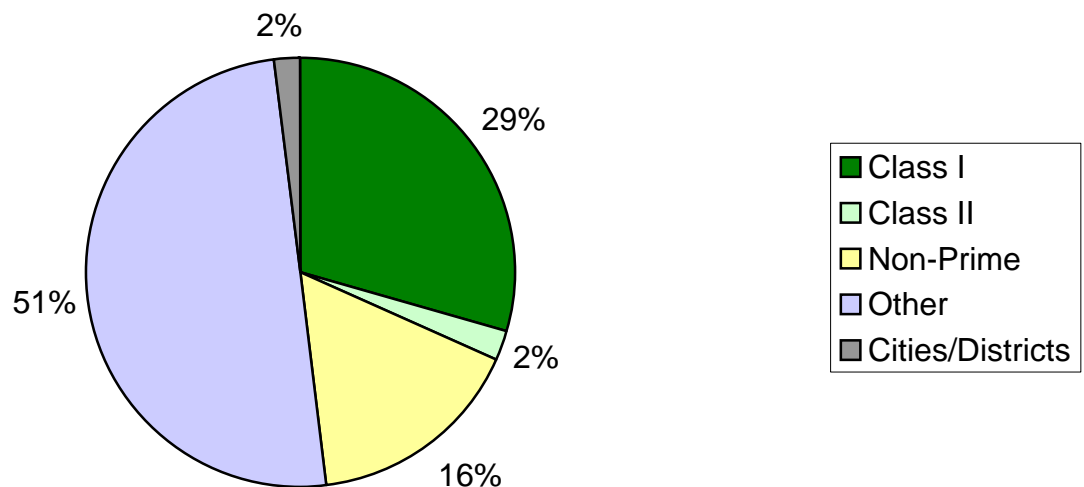
*Undeveloped versus developed annexations are not taken into account.

*While classified as Non-Prime by the USDA, much of the areas covered by these soils would qualify as Prime for LAFCO purposes (GC Section 56064).

*'Other' includes exposed rock, rocky soils and water. Mostly consisting of the foothill and mountain areas.

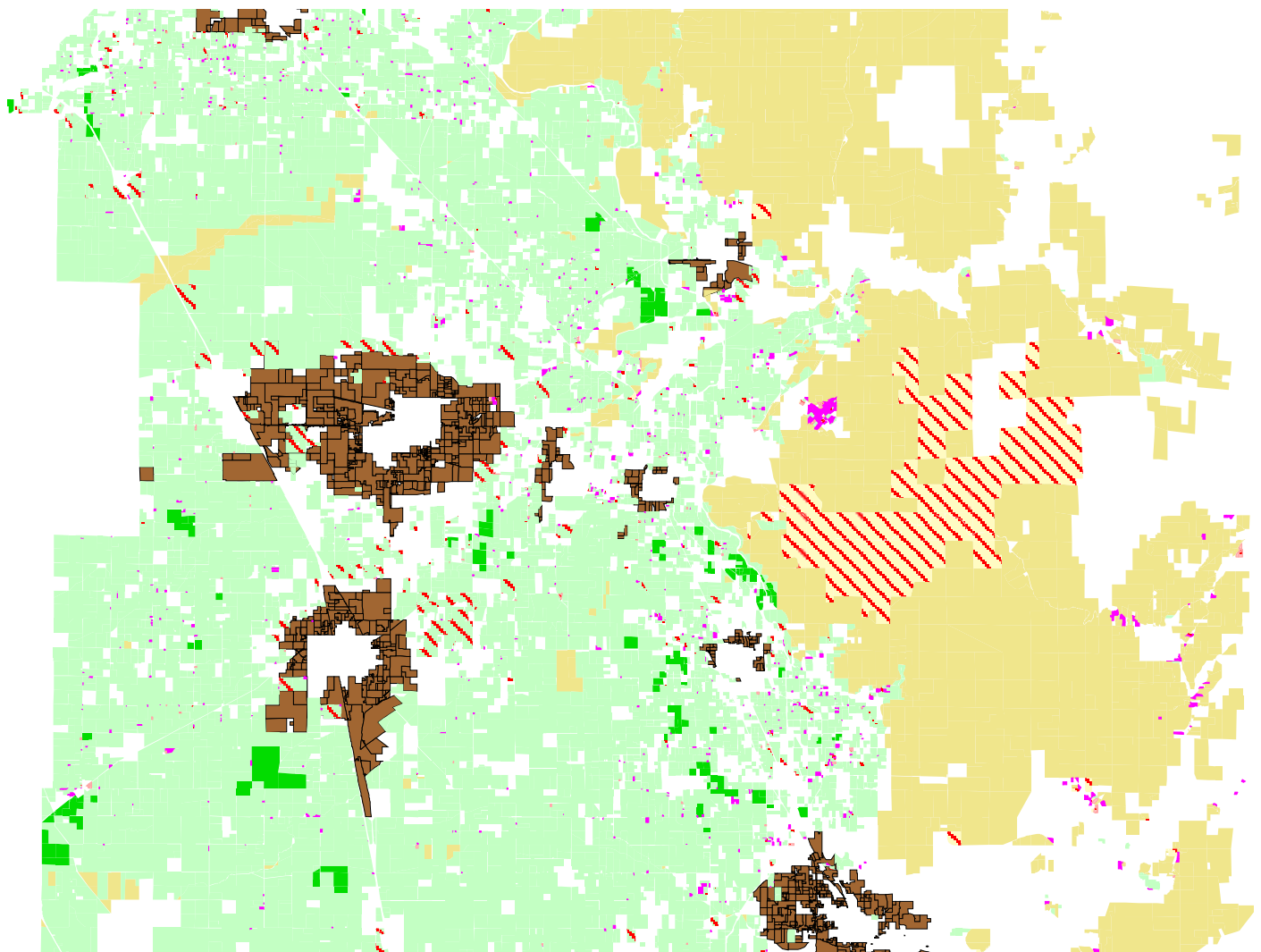
*'Cities/Districts' include districts that are subject to urban development - CSDs, PUDs, SMDs

Tulare County - USDA Soil Type

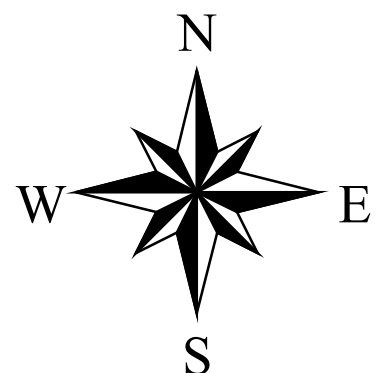
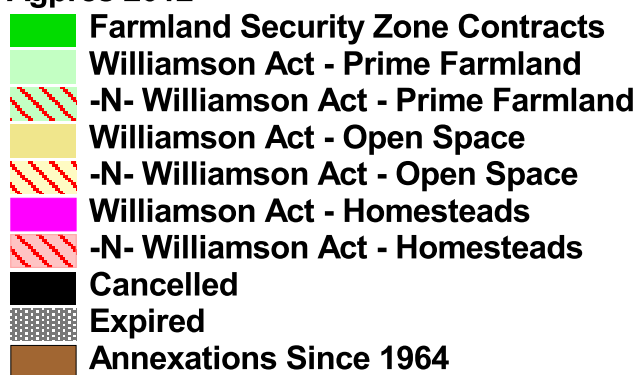


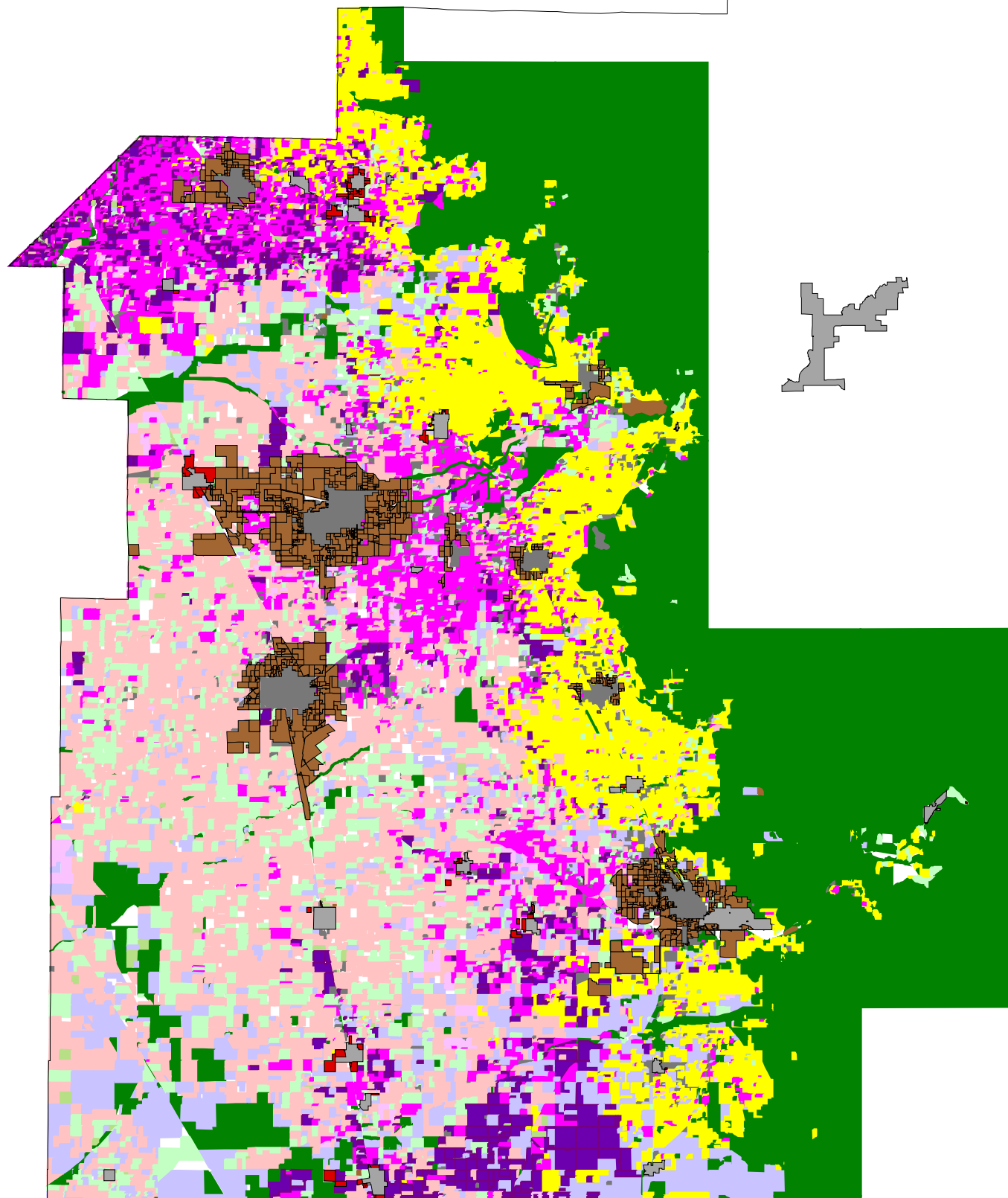
Government & Conservancy Owned Land

	Acres	Sq. Miles	% of County
Federal	1,595,979	2,493.7	51.50
State	16,221	25.3	0.52
County	5,050	7.9	0.16
City	7,987	12.5	0.26
Districts	21,060	32.9	0.68
Conservancy	2,211	3.5	0.07
Private	1,450,684	2,266.7	46.81



Agpres 2012





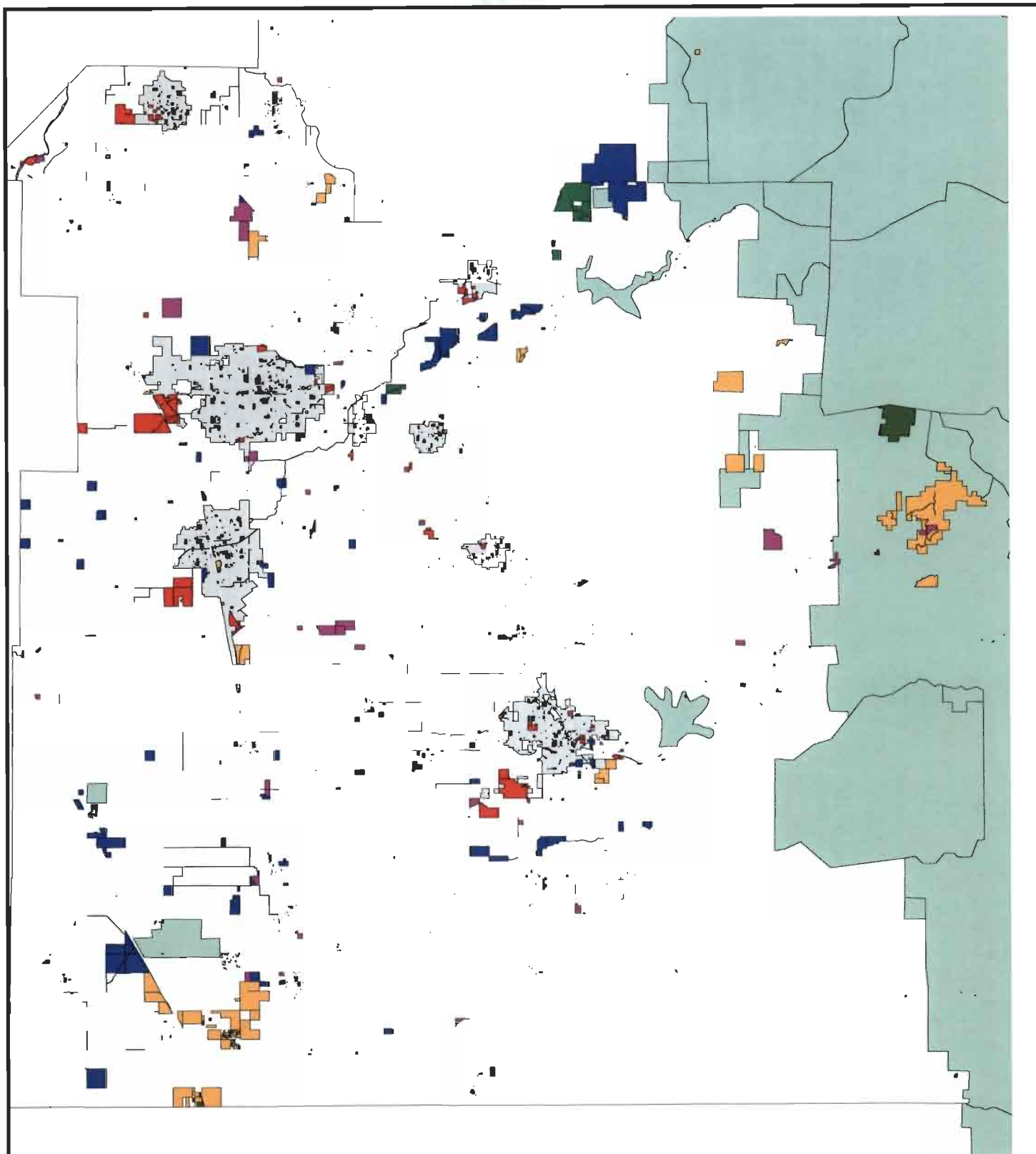
- Annexations Since 1964
- District Annexations Since 1964
- Land Uses
- Citrus
- Deciduous
- Field Crops
- Grains
- Idle
- Pasture
- Truck Crops
- Vineyards
- Barren & Wasteland
- Native Vegetation
- Semi Ag Lands
- Urban

Tulare County Land Uses

0 0.2 0.4 Miles



FIGURE 4



- Land in Trust
- City Owned
- District Owned
- County Owned
- State Owned
- Federally Owned

Government & Conservancy Ownership

0 0.2 0.4 Miles



FIGURE 5

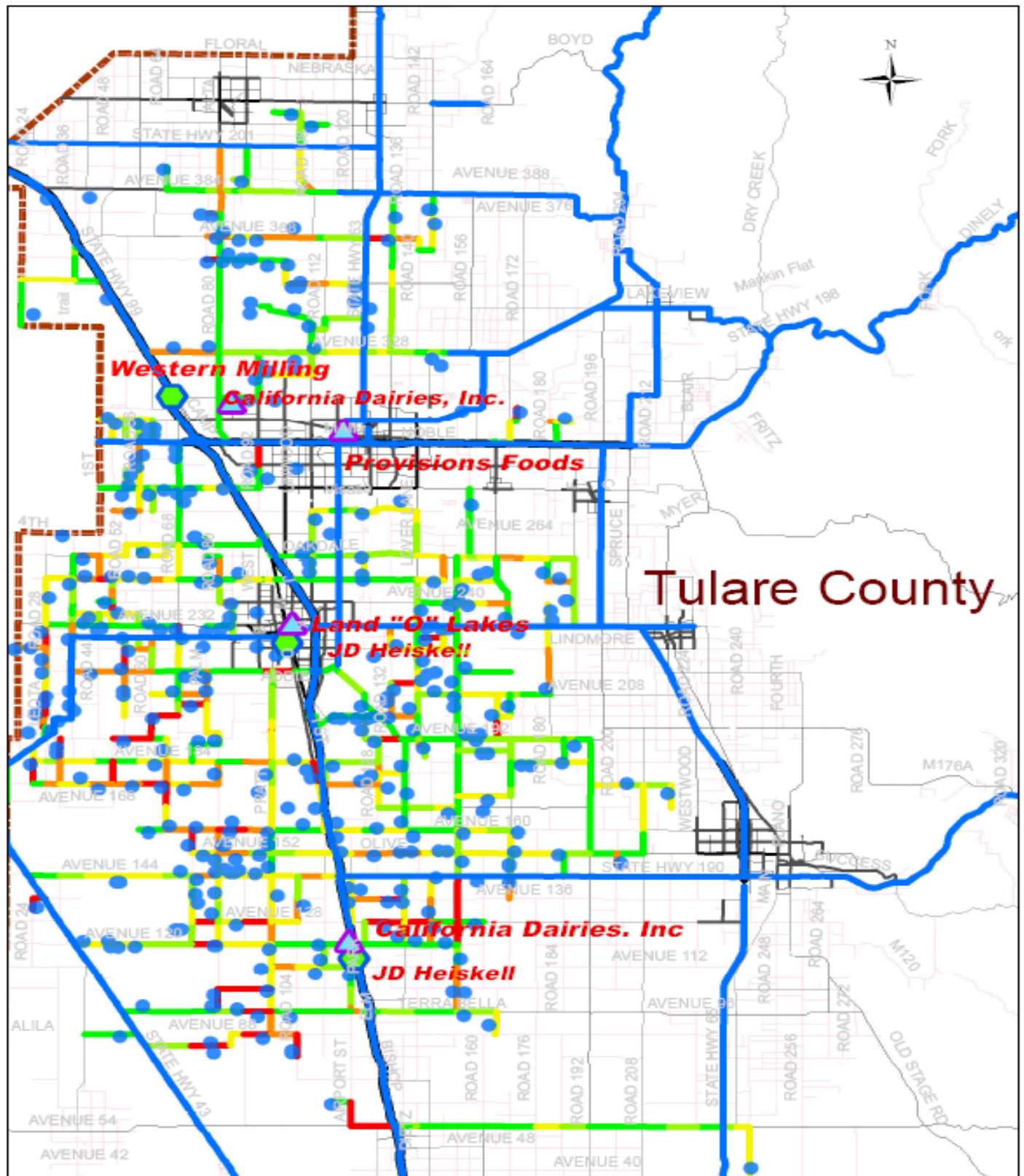


Table 5 - Land Use Analysis

Year	Toatal Acres	Residential Ac.	% of Total	Commercial Ac.	% of Total	Industrial Ac.	% of Total	Institutional Ac.
2006	2,042.20	1483.59	0.726466556	52.4	0.025658603	0		505.3
2007	1,682.72	452.91	0.269153513	398	0.236521822	771	0.458186745	368
2008	139.54	26.5	0.189909703	66.5	0.476565859	36.5	0.261573742	10
2009	1,084	20	0.018450185	0	0	79.71	0.07353321	160
2010	1906.52	22.5	0.011801607	0	0	491	0.257537293	480
2011	113.89	0.34	0.002985337	0	0	113.55	0.997014663	0
2012	38.46	0	0	0	0	0	0	0

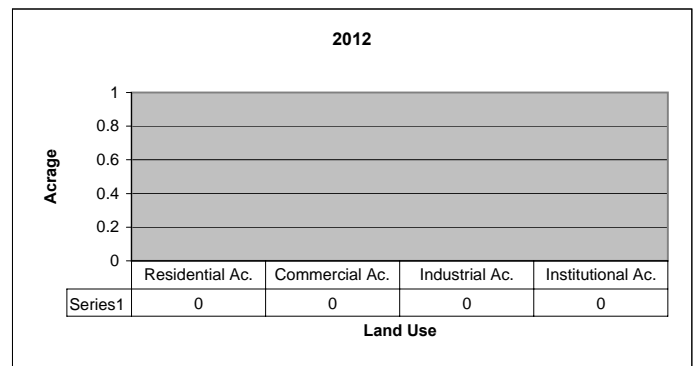
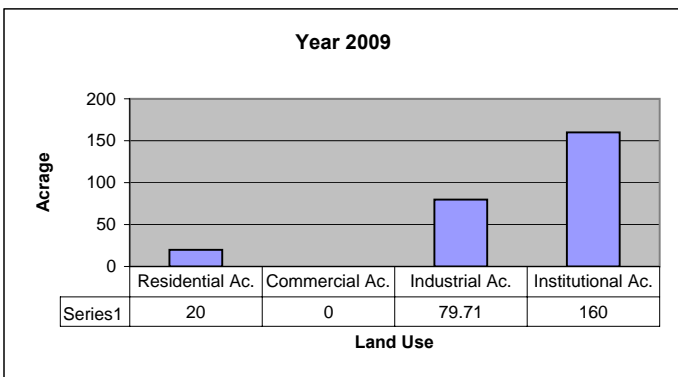
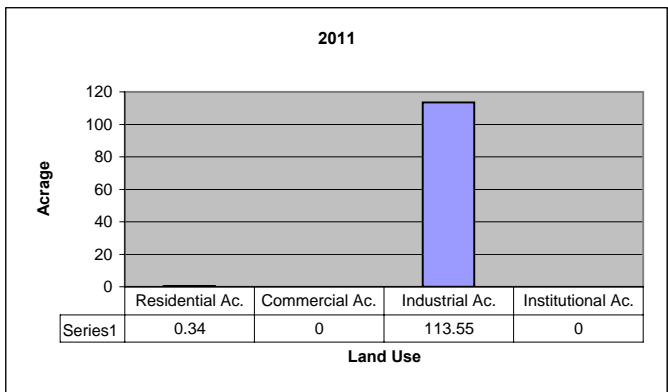
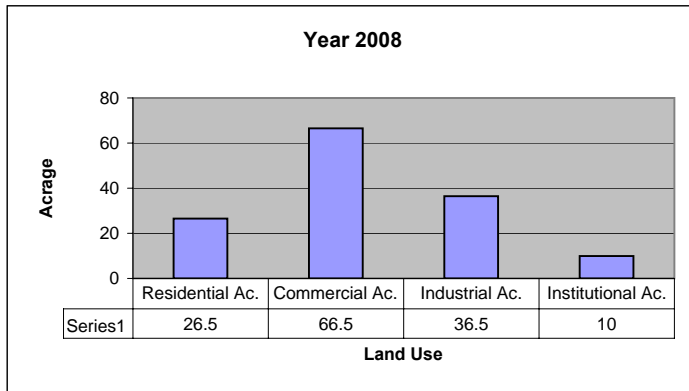
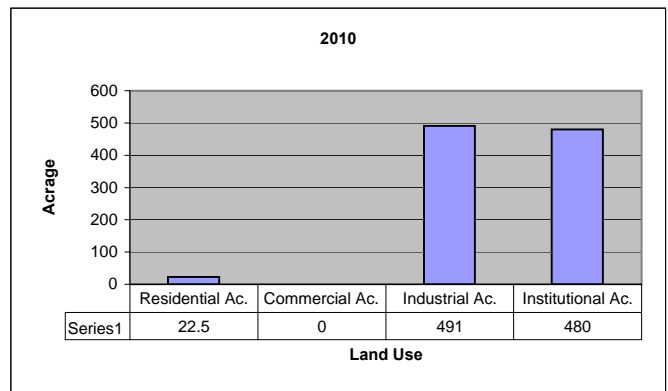
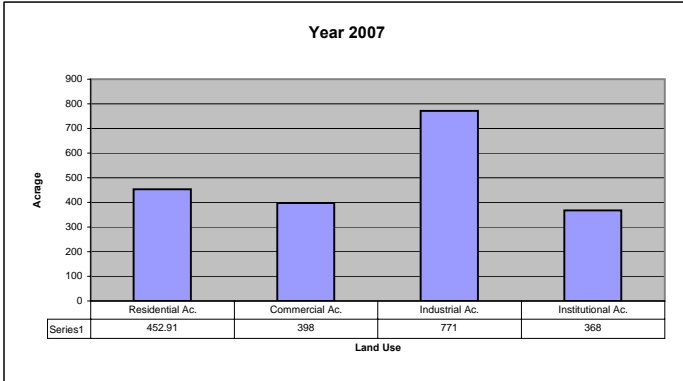


Table 5 Continued

By Year

Year	Total Acres	Residential Ac.	% of Total	Commercial Ac.	% of Total	Industrial Ac.	% of Total	Institutional Ac.	% of Total
2006	2,042.20	1483.59	0.726466556	52.4	0.025658603	0	0.000000000	505.3	0.2474292
2007	1,682.72	452.91	0.269153513	398	0.23652182	771	0.458186745	368	0.2186935
2008	139.54	26.5	0.189909703	66.5	0.47656586	36.5	0.261573742	10	0.071664
2009	1,084	20	0.018450185	0	0.76383764	79.71	0.07353321	160	0.1476015
2010	1,907	22.52	0.011812097	0	0	491	0.257537293	480.14	0.2518411
2011	113.89	0.34	0.002985337	0	0	113.55	0.997014663	0	0
2012	38.46	0	0	0	0	0	0.000000000	0	0

By Land Use Type

Land Use	2006	% of total	2007	% of Total	2008	% of Total	2009	% of Total	2010	% of Total	2011	% of Total	2012	% of Total
Residential	1483.59	0.726466556	452.91	0.0256	26.5	0.189	20	0.018	22.52	0.0118	0.34	0.9970147	0	0
Commercial	52.4	0.0256	398	0.2365	66.5	0.476	0	0.763	0	0	0	0	0	0
Industrial	0	0	771	0.476	36.5	0.261	79.71	0.073	491	0.257	133.5	0.0029853	0	0
Institutional	505.3	0.247	368	0.7638	10	0.0716	160	0.147	480.14	0.251	0	0	0	0

