



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

LAFCO MEETING AGENDA

January 20, 2016 @ 2:00 P.M.

BOARD OF SUPERVISORS CHAMBERS
COUNTY ADMINISTRATIVE BUILDING
2800 West Burrell Avenue
Visalia CA 93291

COMMISSIONERS:
Rudy Mendoza, Chair
Allen Ishida, V-Chair
Cameron Hamilton
Steve Worthley
Juliet Allen
ALTERNATES:
Dennis Mederos
Pete Vander Poel
Craig Vejvoda
EXECUTIVE OFFICER:
Ben Giuliani

- I. Call to Order**
- II. Approval of Minutes from December 2, 2015 (Pages 1-2)**
- III. Public Comment Period**

At this time, members of the public may comment on any item not appearing on the agenda and that is within the scope of matters considered by the Commission. Under state law, matters presented under this item cannot be discussed or acted upon by the LAFCO Commission at this time. So that all interested parties have an opportunity to speak, any person addressing the Commission may be limited at the discretion of the chair. At all times, please use the microphone and state your name and address for the record.

IV. New Action Items

- 1. LAFCO Case# 1521-V-447 City of Visalia Reorganization 2015-01 (Pages 3-18)
[Public Hearing].....Recommended Action: Approval

The City of Visalia has submitted a request for the annexation of 33.6 acres, consisting of two parcels and detachment of the same areas from CSA 1 west of N Demaree Street and south of W Riggan Ave. A Negative Declaration was prepared in compliance with CEQA by the City of Visalia for use in this proposal.
- 2. LAFCO Case# 1522a Sphere of Influence Amendment to Deer Creek SWD(Pages 19-28)
[Public Hearing].....Recommended Action: Approval

The Deer Creek Storm Water District is proposing a Sphere of Influence amendment to accommodate a proposed annexation (LAFCO Case 1522b). A Notice of exemption was prepared in compliance with CEQA by Deer Creek Storm Water District for use in this proposal.

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.

3. LAFCO Case# 1522b Annexation to the Deer Creek Storm Water District (Pages 29-52)
[Public Hearing].....Recommended Action: Approval

The Deer Creek Storm Water District has submitted a request for the annexation of territory to its boundaries. The proposal consists of 5 areas of nearly 43,000 acres of land roughly bounded by Kern County to the south, Kings County to the west, Road 128 (the westerly boundary of the Delano-Earlimart Irrigation District) to the east and Avenues 56 and 120 to the north. A Notice of exemption was prepared in compliance with CEQA by Deer Creek Storm Water District for use in this proposal.

V. Executive Officer's Report

1. Legislative Update (No Page)

The Executive Officer will provide an update regarding the status of LAFCO related legislation.

2. Upcoming Projects (No Page)

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

VI. Correspondence

1. 2016 CALAFCO Calendar (Page 53)

VII. Other Business

1. Commissioner Report (No Page)
2. Request from LAFCO for items to be set for future agendas

VIII. Setting Time and Place of Next Meeting

1. March 2, 2016 @ 2:00 P.M. in the Board of Supervisors Chambers in the County Administration Building.

IX. Adjournment

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.

TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
Summary Minutes of the Meeting
December 2, 2015

Members Present: Allen, Hamilton, Mendoza

Members Absent: Ishida, Worthley

Alternates Present:

Alternates Absent: Mederos, Vander Poel, Vejvoda

Staff Present: Giuliani, Echavarria, Blythe

Counsel Present: Tennenbaum

I. Call to Order

Chair Allen called the Tulare County Local Agency Formation Commission meeting to order at 2:03 p.m.

II. Approval of the November 4, 2015 Meeting Minutes:

Upon motion by Commissioner Hamilton and seconded by Commissioner Mendoza, the Commission unanimously approved the minutes of November 4, 2015.

III. Public Comment Period

Chair Allen opened and closed the Public Comment Session at 2:04 p.m. There were no public comments.

IV. New Action Items

1. Election of Officers for 2016

Commissioner Hamilton moved to approve the election of officers as presented, Commissioner Mendoza for Chair and Commissioner Ishida for Vice-Chair of the LAFCO Commission.

Upon motion by Commissioner Hamilton and seconded by Commissioner Mendoza, the Commissioners unanimously approved the Election of Officers for 2016.

V. Executive Officer's Report

1. 2015 LAFCO Annual Report

Staff Analyst Echavarria presented the 2015 LAFCO Annual Report and provided an overview of the current year including a series of maps and 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.

2. ESA 2015-11 (Porterville)

EO Giuliani stated that pursuant to Policy C-6, he approved one ESA that allowed the City of Porterville to provide municipal water service to a single parcel owner.

3. Legislative Update

None

4. GSA Formation Guidelines

EO Giuliani provided the Commission guidelines from the Department of Water Resources for the formation of Groundwater Sustainability Agencies.

5. Upcoming Projects

EO Giuliani stated that at the January 2016 meeting, staff would present an annexation for Visalia, as well as a proposed annexation for Deer Creek.

VI. Correspondence

The CALFACO Quarterly Report was provided in the LAFCO Commissioners' packets.

VII. Other Business

Commissioners discussed the importance of tracking groundwater sustainability on future LAFCO Agendas.

VIII. Setting Time and Place of Next Meeting

The next meeting will be January 20, 2016 at 2:00 p.m. in the Board of Supervisors Chambers in the County Administration Building.

IX. Adjournment

The meeting was adjourned at 2:55 p.m.

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

January 20, 2016

**LAFCO Case Number 1521-V-447
City of Visalia Annexation No. 2015-01**

PROPOSAL: City of Visalia Reorganization. Annexation to the City of Visalia and detachment from County Service Area (CSA) #1.

PROPONENT: The City of Visalia by resolution of its City Council

SIZE: The proposed reorganization is for 33.6 acres. Staff is proposing to add 4.0 acres of land to Visalia's proposal for a total of 37.6 acres.

LOCATION: The site is bounded by W Riggan Ave on the north and N Demarree Street on the east.

SUMMARY: The proposal includes a 25 acre parcel that has a tentative subdivision map submitted to the City for 90 single-family houses. Staff is recommending the inclusion of 2 developed parcels and the remainder of the Modoc Ditch parcel to avoid creating two new 100% surrounded County islands.

ASSESSOR'S PARCEL NOS:

Itemized List of Parcels Lying Entirely Within Proposed Boundaries

077-180-009 and 077-180-022

Itemized List of Parcels Lying Only Partially Within Proposed Boundaries

077-180-021 (Modoc Ditch)

Parcels Proposed to be added to the Reorganization

077-180-017, 077-680-019, 077-180-021 (remainder)

NOTICE: Notice has been provided in accordance with GC §§56660 & 56661.

GENERAL ANALYSIS:

1. Land Use:

A. Site Information

	<i>Existing</i>	<i>Proposed</i>
<i>Zoning Designation</i>	AE-20 (County)	Single Family Residential (R-1-6)- 29.6 acres and Multi-Family Residential (R-M-2)-4 acres
<i>General Plan Designation</i>	Low Density Residential- 29.6 acres Medium Density Residential- 4 acres	No Change
<i>Uses</i>	Vacant land, Modoc Ditch	Subdivision (Kayenta Crossing) Vacant

The parcels proposed to be added each contain one single-family house and are low density residential in the General Plan.

B. Surrounding Land Uses and Zoning and General Plan Designations

The area is surrounded by City R-1-6, and County AE-20. To the north is the Valley Palms subdivision and a single family dwelling, to the south is single family residential and Agricultural Orchards to the east is Sterling Oaks Subdivision (Vacant) and to the west is Los Gatos subdivision.

C. Topography, Natural Features and Drainage

The Modoc Ditch is in the north of the annexation territory. The remainder of the site is relatively flat and does not contain any natural topographical features.

D. Conformity with General Plans and Spheres of Influence:

The site is entirely inside the City's Sphere of Influence and inside the City's Tier 1 Urban Growth Boundary.

2. Impact on Prime Agricultural Land, Open Space and Agriculture:

The 25 acre parcel is not under Williamson Act Contract. The 8.6 acre parcel is under Williamson Act contract. The property owner has filed a Partial Notice of Non-Renewal with the County of RMA and was assigned Partial Non-Renewal No. PNR 15-019.

Preserve No. 187 (APN 077-180-022)
Contract No. 6605

The City protested the execution of contract 2735 but the protest was determined invalid because the 8.6 acre parcel was beyond the one mile City limit line at that time. The intent to succeed to the contract is included in City Council resolution

2015-44. On September 8, 2015, a partial non-renewal was filed with the County and assigned Partial Non-renewal No. PNR 15-019.

Tulare County LAFCO sent a letter to the Department of Conservation on November 9th, 2016, a response has not yet been received. The City of Visalia is not aware of an open space or agricultural easement.

3. Population:

There are not more than 12 registered voters in the proposed annexation area. Therefore, pursuant to GC §56046, the annexation area is uninhabited. With the inclusion of the additional recommended parcels, the annexation area would still be uninhabited (less than 12 registered voters).

4. Services and Controls - Need, Cost, Adequacy and Availability:

Agency providing service

Service	Now	After	Method of finance
Police Protection	Tulare County Sheriff's Office	City of Visalia	General Fund
Fire Protection	County of Tulare (Contract with the County)	City of Visalia	General Fund
Water Supply	Private Wells	Cal Water	User Financed
Sewage Disposal	None	City of Visalia	Impact Fee/ User Fee
Street Lighting	None	City of Visalia	General Fund
Street Maintenance	None	City of Visalia	City of Visalia
Planning/Zoning	County of Tulare RMA	City of Visalia	General Fund
Garbage Disposal	None	City of Visalia	User fees
Storm Drain	None	City of Visalia	Impact/User fee
Ground Water	None	City of Visalia	Impact User Fee

The City can provide urban services and infrastructure for development such as sewer services, fire, police, streets lighting, etc., as well as planning and building services. According to the City it has more than enough sewer capacity in its treatment plant to accommodate this annexation proposal. The City's wastewater treatment plant has a capacity of 22 million gallons per day. Current estimated average daily flow is about 13 million gallons per day. Other undeveloped areas already within the City limits add a potential for another 0.56 to 1.0 million gallons per day. This annexation would add an additional 0.028 million gallons per day.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain but do not conform to the lines of assessment and ownership (APN 077-180-021, Modoc Ditch is bisected by the proposed annexation). A map sufficient for filing with the State Board of Equalization must be received from the proponent to include the detachment from CSA #1. In addition, an updated map and legal description will need to be submitted if APNs 077-180-017, 077-680-019 and the remainder of 077-180-021 are added to the reorganization.

6. Assessed Value, Tax Rates and Indebtedness:

Upon completion of this annexation the area will be assigned to a new tax rate area. The total assessed valuation of the proposal area is as follows:

Land and Improvements	\$ 45,652
Estimated per capita assessed valuation	n/a

The combined assessment of the two full parcels proposed to be added is \$542,141 which would bring the total assessment to \$587,793. The Modoc Ditch parcel has a \$0 valuation.

7. Environmental Impacts:

The City of Visalia is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and incorporation by reference the City of Tulare General Plan and other planning documents, a Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials. The addition of the two developed parcels and the remainder of the Modoc Ditch will not result in any additional environmental impacts.

8. Landowner and Annexing Agency Consent:

Consent to this annexation has been received from each affected landowner within the site of the two full parcels. Consent has not been received from the Modoc Ditch Company. If no protests are received by the end of the public hearing, the Commission may waive the protest hearing. If protests are received by the end of the public hearing, a protest hearing will be held following the 30 day reconsideration period if the reorganization is approved.

For the two parcels recommended to be added to the annexation, APN 077-680-019 is included in a separate annexation that has been submitted to the City but has not yet been approved by the City. The owners of APN 077-180-017 have not consented to annexation and have given public comment to the Visalia City Council against being included in the annexation.

9. Regional Housing Needs:

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments. The proposal involves the annexation of 33.6 acres of land designated by the Visalia General Plan Land Use Map as Residential Low Density and Residential Medium Density. The subsequent development of this property, which includes a tentative subdivision map for 90 single-family houses, in accordance with City policies and standards will contribute towards the Regional Housing Needs Allocation for the above moderate income level as determined by Tulare County Association of Governments (TCAG).

Visalia – RHNA Allocations (1/1/2014 to 9/30/2023)

Very Low	Low	Moderate	Above Moderate
2,616	1,931	1,802	3,672

10. Discussion:

Services and Controls

According to the City they are currently able to provide the annexation area urban services and infrastructure for development such as sewer services, fire, police, streets lighting, etc., as well as planning and building services. The City currently maintains the travel lanes on Demaree Street and most of Riggan Avenue. The southern 20 feet of Riggan Avenue including the curb, gutter and outside right of way are not located in the City's jurisdiction. Annexation will allow this street to be fully maintained in the City.

Services which would be extended to this area, including police and fire safety services and development permit services, will be funded primarily through the City General Fund and user permit fees. Road improvements are funded through a combination of various sources including, but not limited, the General Fund, development fees, and Measure R.

Jasco Consulting represents the 25-acre parcel designated for Residential Low Density land uses on the territory. Upon annexation, the group would like to develop their property as the Kayenta Crossing Tentative Subdivision Map. The map would allow for 90 single- Family residential units with lots ranging in size from 6,000 to 15,000 square feet (gross density =3.6 units per acre). The map has received approval from the City's Site Plan Review Committee and was approved by the Visalia Planning Commission on August 24, 2015. The subdivision is an example of in-fill development as it is located within a 100% surrounded County Island.

There other 8.6 acre property is in the territory designated for both Residential Low Density and Residential Medium Density land use. The property owner has

not indicated any formal plans for development at this time. In the event that the property owner elects to pursue development entitlements with the City, the project would be subject to site plan review process. Staff would likely require development of the 8.6 acre parcel not be considered by the City until the Williamson Act Contract has expired.

Any growth occurring in this area would be consistent with the City's General Plan since the sites are within the current Tier 1 Urban Development Boundary and are designated for development with the adoption of the new General Plan. This area will need increased services, including planning and building safety, police and fire protection, and sewer service. The City of Visalia is prepared to provide these services as development occurs.

Creation of Additional County Islands [Figure 2]

This annexation would create two additional fully surrounded small County Islands if approved with its current boundaries. One of the islands (2.1 acres) includes APN 077-680-019 (a developed residential parcel that is proposed to be the site of a new church) and the remainder of APN 077-180-021 (Modoc Ditch). These parcels are part of another annexation which has been submitted to the City. However, it has not yet been approved by the City nor submitted to LAFCO. The other island (1.9 acres) includes one developed residential parcel, APN 077-180-017. The owners of this parcel have given public comment to the Visalia City Council in opposition to being included in this annexation. However, creating these two small islands would be inconsistent with LAFCO's mission for the development of logical boundaries (GC §56001) and prohibition against creating fully surrounded County islands (GC §56744). Therefore, staff recommends that these two areas be included with this annexation. If the Commission elects to not include one or both of these islands into this annexation the following finding must be made pursuant to GC §56375(m):

To waive the restrictions of Section 56744 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

There are two parcels (47 acres) to the south of the proposed annexation site that are also not included in this annexation (APNs 077-190-007 and 077-190-008). At this time staff does not recommend inclusion of these parcels because both are in agricultural production and are currently under Williamsons Act contract.

Recommended Actions

It is recommended that this proposal be approved and that the Commission take the following actions:

1. Include APNs 077-180-017, 077-680-019, 077-180-021 (remainder) with the City's proposed reorganization.
2. Certify that the Commission has reviewed and considered the Negative Declaration approved by the City of Visalia for this project and find that the project will not have a significant effect on the environment
3. Find that the proposed reorganization for the City Visalia complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, GC §56377.
4. Approve the detachment of the subject area from County Service Area #1.
5. Pursuant to LAFCO Policy and Procedure Section C-1.2, find that:
 - a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment whenever possible.
 - b. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - c. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
 - d. The proposed annexation is compatible with the City's General Plan.
 - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
6. The City of Visalia has fulfilled the requirements set out in GC 56856.5 (d) (1) with the filing of a Notice of Non-Renewal for Williamson Act Contract No. 10353 and has agreed within a legally binding resolution not to provide any non-allowable services to the subject territory for the remaining life of the contract.
7. Approve the reorganization as proposed by the City of Visalia and amended by the Commission, to be known as LAFCO Case Number 1521-P-447, Visalia Annexation 2015-01
 - A.) No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.

- B.) The Certificate of Completion shall not be recorded until corrections are completed to the map and legal description that include the detachment from CSA No.1 and the inclusion of APNs 077-180-017, 077-680-019, 077-180-021 (remainder).
 - C.) The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE prior to the recording of the Certificate of Completion.
- 8. Waive the protest hearing for this proposal in accordance with Government Code section 56663(c) and order the reorganization without an election {if protests are not submitted by the close of the public hearing} **or** authorize the Executive Officer to conduct a protest hearing subsequent to these proceedings and to report to the Commission the results of that hearing for action in accordance with GC §§57000-57120 {if protests are received prior to the close of the public hearing}.
 - 9. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

Figures & Exhibits:

- Figure 1 Site Location Map
- Figure 2 Proposed Annexation Map
- Figure 3 Resolution

City of Visalia
CASE #1521-V-447
Figure 1

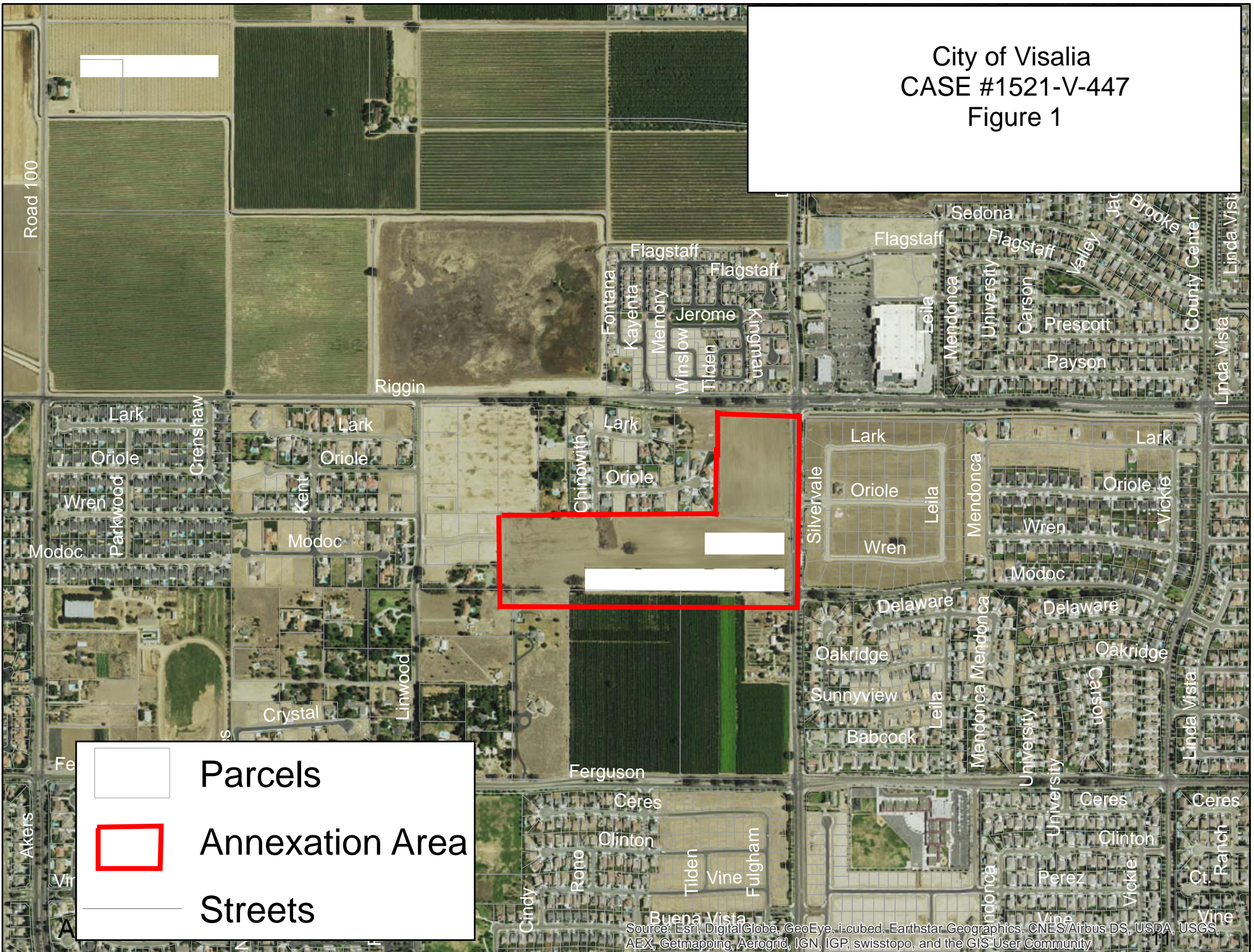
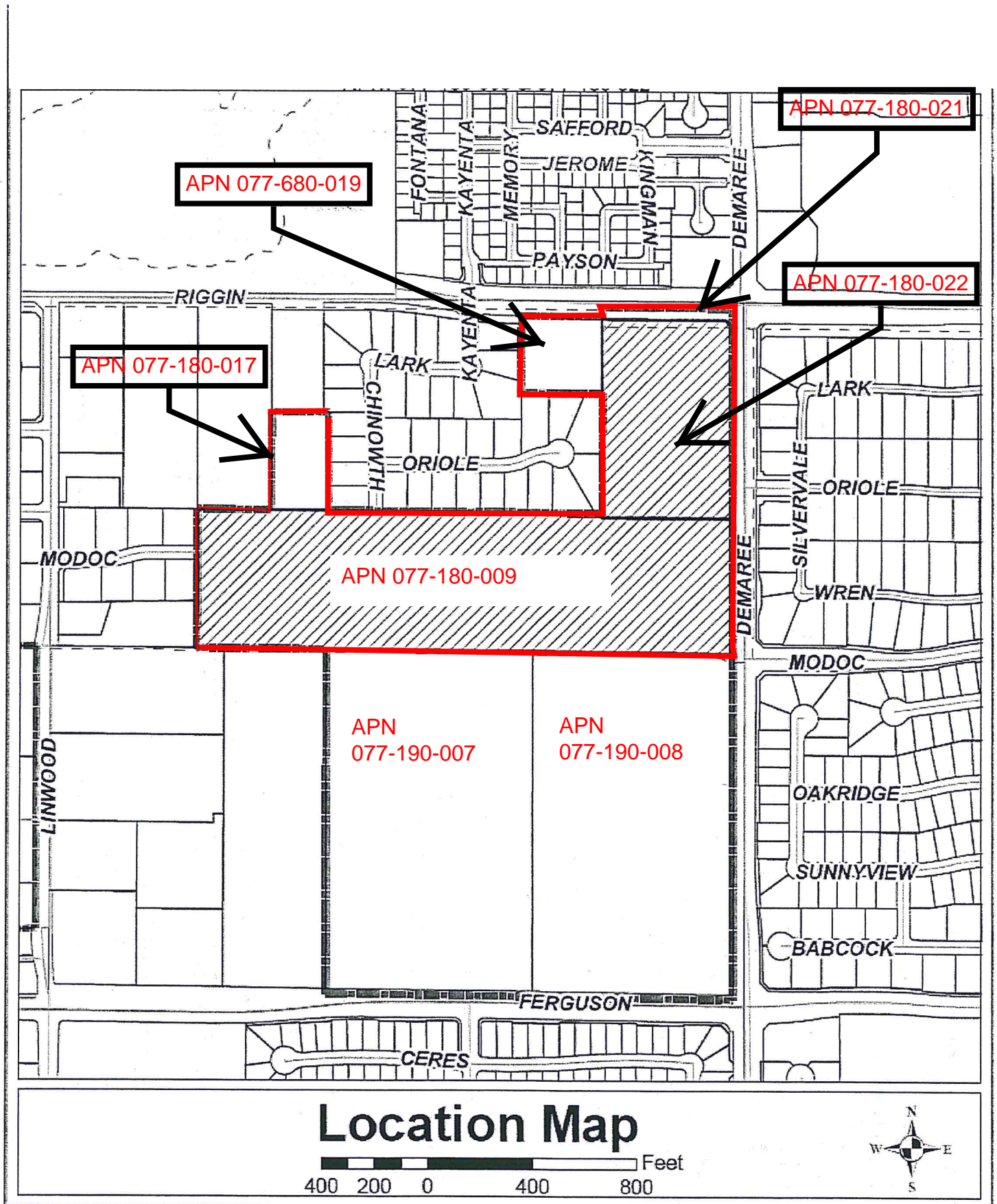


Figure 2



Staff Proposed Annexation



City Proposed Annexation

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

In the matter of the proposed reorganization)

To the City of Visalia, LAFCO Case 1521-V-447)

RESOLUTION NO. 16-0XX

Annexation No. 2015-01 (Demaree/Riggin))

WHEREAS, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for approval of a proposal to annex and detach certain territories described in attached Exhibit "A" made a part hereof; and

WHEREAS, this Commission has read and considered the Resolution of Application and application materials, the report of the County Surveyor and the report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on January 20, 2016, this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

1. The information, material and facts set forth in the application, the report of the County Surveyor, and the report of the Executive Officer (including any corrections), have been received and considered in accordance with Government Code

§56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The Commission hereby finds that there is no substantial evidence that said reorganization will have a significant effect on the environment, and certifies that the Commission has independently reviewed and considered the information contained in the Negative Declaration filed by the City of Visalia for the proposed reorganization in compliance with the California Environmental Quality Act of 1970, as amended, prior to taking action on said reorganization.

3. The Commission has reviewed and considered, in accordance with Government Code §56668, the information, materials and facts presented by the following persons who appeared at the Public Hearing and commented on the proposal:

XXXXXXXXXX

4. 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.

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

- a. This proposal is for the annexation of territory consisting of approximately 37.6 acres of land.
- b. Less than 12 registered voters reside in the affected territory and 100% landowner consent was not received.
- c. Parcel 077-180-022 is under Williamson Act Contract which has a partial non-renewal filed with the County.
- d. The proposal is consistent with the findings and declarations of GC §56001.

- e. The proposed boundaries would create two new fully surrounded County islands.

6. Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations:

- a. The boundaries of the proposed reorganization (annexation to the City of Visalia and detachment from County Service Area #1) are definite and certain but do not conform to the lines of assessment and ownership (APN 077-180-021, Modoc Ditch is bisected by the proposed annexation).
- b. To be consistent with State law regarding creating logical boundaries (GC§56001) and prohibition against creating fully surrounded County islands (GC §56744), APNs 077-680-019, 077-180-017 and 077-180-021 (remainder) shall be added to the reorganization.
- c. There is a demonstrated need for municipal services and controls and that the City has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation is compatible with the City's General Plan.
- f. The proposed reorganization represents a logical and reasonable expansion of the annexing municipality.
- g. The proposed reorganization complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, GC §56377.
- h. There will be no loss of services resulting from the detachment from County Service Area No.1.
- i. The proposed reorganization promotes the mutual social and economic interests of the people in the area and will contribute to the logical, orderly and reasonable development of the local government in the community.

7. Waive the protest hearing for this proposal in accordance with GC §56663 and order the change of organization without an election {if protests are not submitted

by the close of the public hearing} **or** authorize the Executive Officer to conduct a protest hearing subsequent to these proceedings and to report to the Commission the results of that hearing for action in accordance with GC §§57000-57120 {if protests are received prior to the close of the public hearing}.

8. Approve the change of organization, to be known as LAFCO Case No. 1521-V-447 subject to the following conditions:

- A.) No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
- B.) The Certificate of Completion shall not be recorded until corrections are completed to the map and legal description that include the detachment from CSA No.1 and the inclusion of APNs 077-180-017, 077-680-019, 077-180-021 (remainder).
- C.) The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE prior to the recording of the Certificate of Completion.

9. The following short form designation shall be used throughout these proceedings:

LAFCO Case No. 1521-V-447, City of Visalia Annexation No. 2015-01

10. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as required by law.

11. The Executive Officer is hereby authorized and directed to file A Notice of Determination on behalf of the Commission and file said notice with the Tulare County Clerk pursuant to Section 21152 (a) of the Public Resources Code.

The forgoing resolution was adopted upon motion of Commissioner _____ and seconded by Commissioner _____, at a regular meeting held on this 20th day of January, 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) 624-7274 FAX (559) 733-6720

January 20, 2016

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Cynthia Echavarria, Staff Analyst

SUBJECT: Sphere of Influence Amendment for the Deer Creek Storm Water District

Background

The Deer Creek Storm Water District is requesting a Sphere of Influence (SOI) amendment which includes 5 areas of nearly 43,000 acres of land roughly bounded by Kern County to the south, Kings County to the west, Road 128 (the westerly boundary of the Delano-Earlimart Irrigation District) to the east and Avenues 56 and 120 to the north. The same area is included in a subsequent annexation proposal (Case # 1522b) for the Deer Creek Storm Water District.

Discussion

The SOI amendment is needed to accommodate the proposed annexation in Case #1522b. Deer Creek Storm Water District is a California Storm Water District formed under the Storm Water Act of 1909. The purpose for the formation of the District was to provide a vehicle for the protection of the southwestern portion of the county from flood waters being generated by the Deer Creek, the White River and the Poso Creek as it exits Kern County heading northwesterly. Maintenance of levees and the streambeds of these ephemeral streams has been the charge of the District throughout its history.

There have been several occasions where the storm waters from these streams have caused substantial flooding to property and persons. The most recent of these was in 2011. The current configuration of the District is limited in achieving its charge, as it sits at the drainage of these streams. The annexation being proposed will allow the District to make improvements and maintain the streams farther upstream from the current location, thus improving the ability to control flooding. As indicated on the flood map (Figure-X), the new boundary will cover much more of the potential flood area than the former District boundary allowed.

Notice of the public hearing for this proposal was provided in accordance with Government Code.

Environmental Impacts

The Deer Creek Storm Water District is the lead agency for this proposal. The District has determined that project is categorically exempt from the California Environmental Quality Act

under sections 15004(b)(2)(A), 15301, 15304, 15306, 15307, 15308, 15325, 15262, and 15061(b)(3).
A copy of the document is included in the application materials.

Municipal Service Review

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to establish Spheres of Influence for cities and special districts. Prior to, or in conjunction with establishing an agency's SOI, LAFCO is required to conduct a Municipal Service Review (MSR) for each agency. Neither the LAFCO statute nor the OPR Guidelines specifically prescribe which agencies and what services are subject to municipal service reviews. Therefore, it is left to each LAFCO to establish review parameters. Tulare County LAFCO has determined that stormwater districts are exempt from municipal service review.

Impact on Prime Agricultural Land, Agriculture and Open Space:

Portions of the annexation area may be in Williamson Act Contract. The approval of this annexation is not inconsistent with continued Williamson Act coverage. Cancellation of Williamson Act Contracts is not contemplated in this application.

Required Determinations

GC §56425(e) requires that in determining the Sphere of Influence of each local agency the Commission shall consider and prepare a written statement of its determinations with respect to certain factors prior to making a decision.

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

The amendment to the SOI includes land that is mostly in agricultural production and habitat management. There are no currently proposed changes in land use.

- (2) The present and probable need for public facilities and services in the area.*

The purpose of the concurrent annexation is primarily for storm water control and secondarily for the possible formation of a Groundwater Sustainability Agency (GSA).

- (3) The present capacity of public facilities and adequacy of public services.*

The annexation being proposed will allow the District to make improvements and maintain the streams farther upstream from the current location, thus improving the ability to control flooding. The new boundary will cover much more of the potential flood area than the former District boundary allowed. Much of the area is also not currently within a qualifying water agency for the purposes of forming a GSA. No other services will be effected.

- (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.*

The subject area does not contain social or economic communities of interest.

EXECUTIVE OFFICER'S REPORT 1522A

2

Conterminous Annexation

The intent of the SOI amendment is to make the SOI boundary conterminous with the proposed annexation (LAFCO Case 1522b). However, the Commission may choose to make adjustments to the proposed annexation boundaries. The final SOI boundary shall be conterminous to the final annexation boundary, if approved by the Commission.

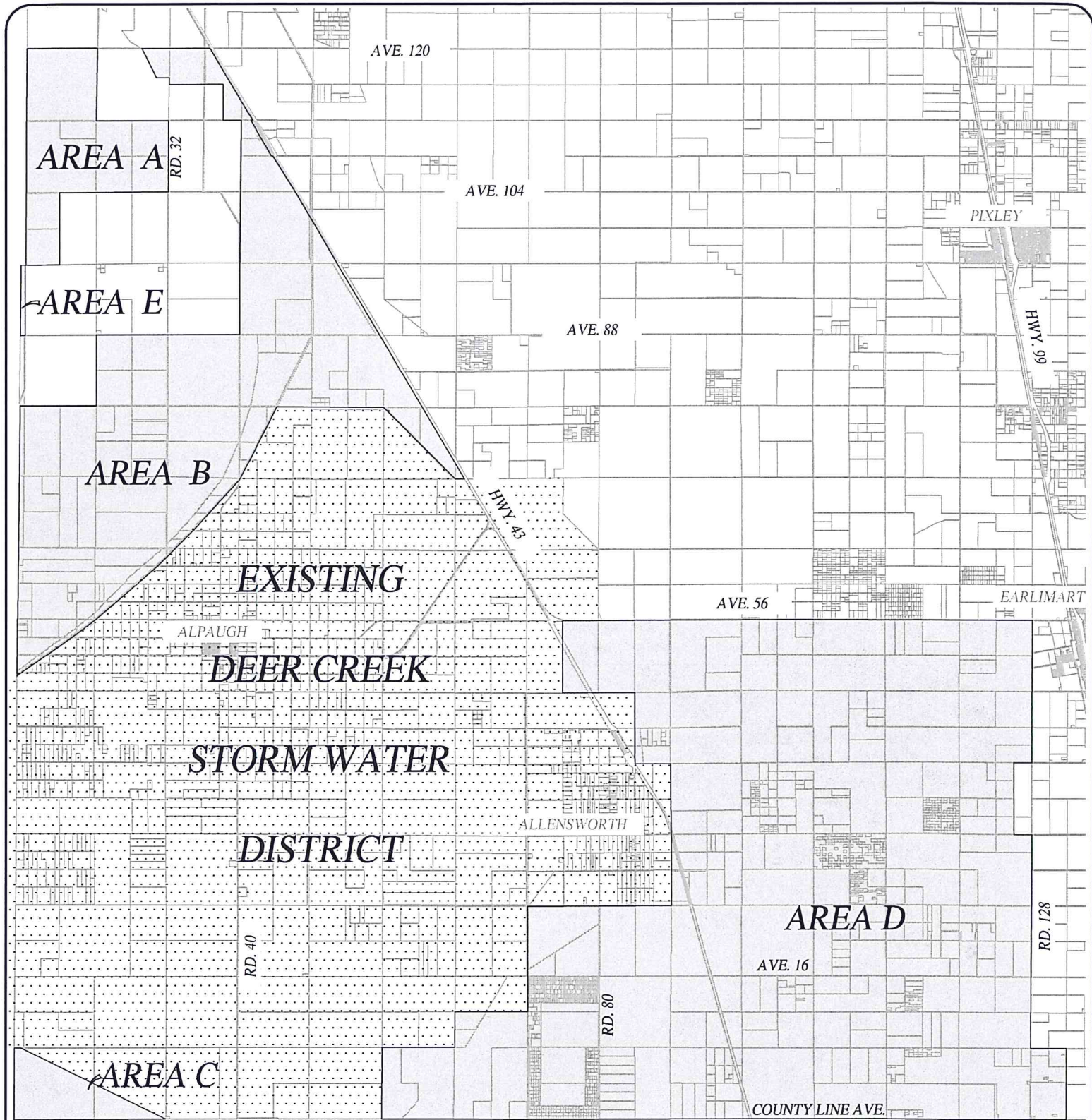
Recommendations:

It is recommended that this SOI be approved and that the Commission take the following actions:

- A. Find that the proposed Sphere of Influence amendment is Categorical Exempt from the California Environmental Quality Act pursuant to CEQA Guidelines sections 15004(b)(2)(A), 15301, 15304, 15306, 15307, 15308, 15325, 15262, and 15061(b)(3).
- B. Adopt the written statement of determinations and find that the proposed Deer Creek Storm Water District Spheres of Influence amendment complies with the GC §56425.
- C. Find that pursuant to GC §56426.5(b)(2), the proposed SOI amendment will not adversely affect the continuation of any Williamson Act contracts beyond their current expiration dates.
- D. The SOI amendment is contingent on the approval of LAFCO Case 1522b (Deer Creek Annexation).
- E. The SOI boundary shall be conterminous with the final boundary approved in LAFCO Case 1522b.
- F. Approve the Spheres of Influence to be known as LAFCO Case 1522a, Deer Creek Storm Water District SOI Amendment.

Figures & Exhibits

Site Location Map
Resolution



SCALE: 1" = 10000'



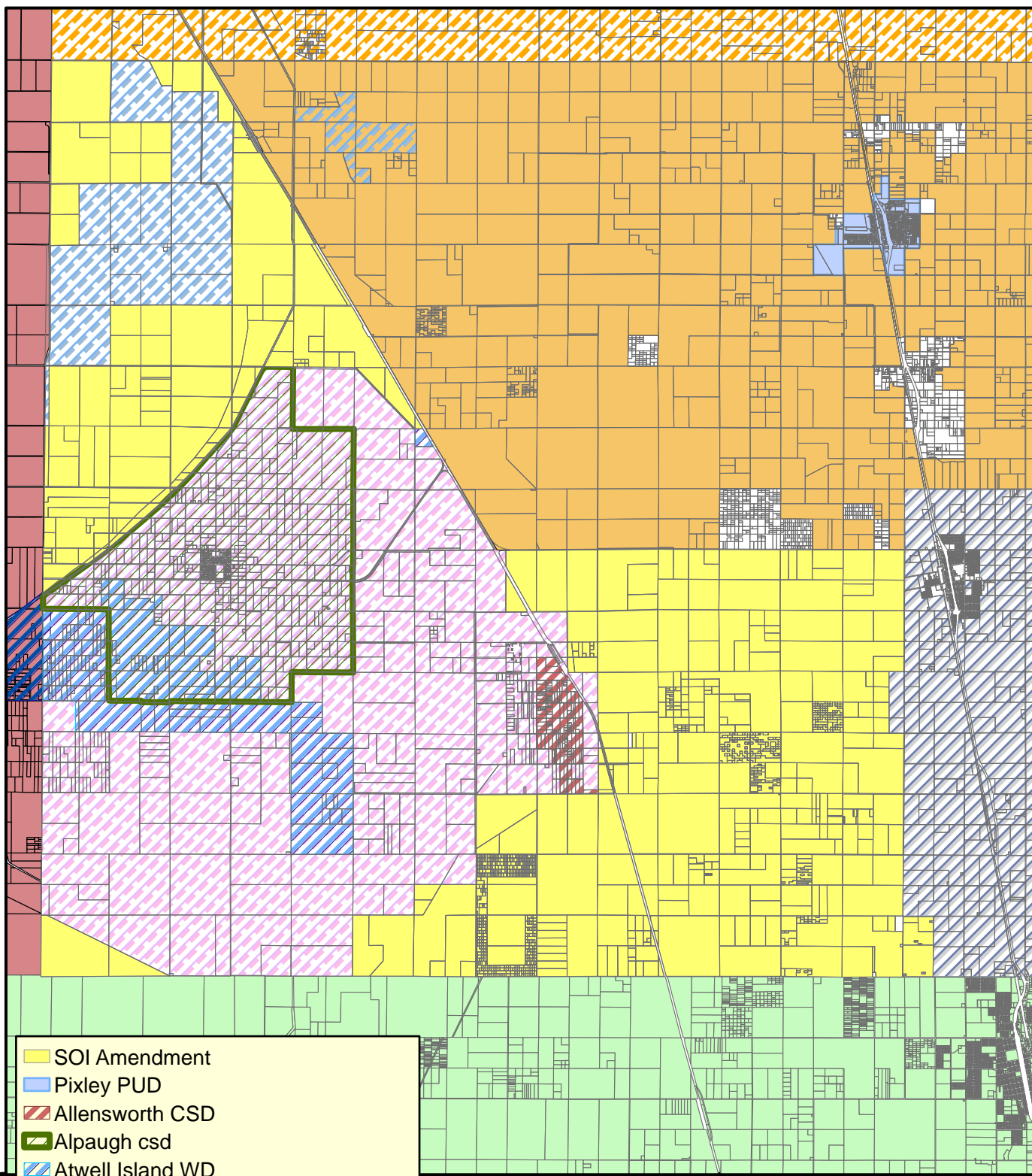
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PLOT DATE:	10/21/2015
JOB NO.	150363
DWG. NAME:	150363-ANNEXATION EXHIBIT
SCALE:	1" = 10000'
SHEET NO.:	1 OF 1

ANNEXATION EXHIBIT

DEER CREEK STORM WATER DISTRICT

PREPARED BY:	901 E. MAIN STREET P.O. BOX 3699 VISALIA, CA 93278 TEL: (559) 733-0440 FAX: (559) 733-7821
Quad Knopf	
DRW BY: JLC	CHK BY: DCK

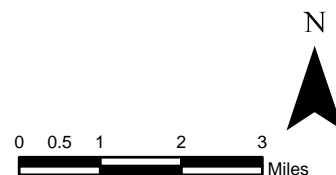


- SOI Amendment
- Pixley PUD
- Allensworth CSD
- Alpaugh csd
- Atwell Island WD
- Atwell island shading for kings co part
- Kern County
- Kings County
- Angiola WD
- DelanoEarl mart ID
- Pixley ID
- Lower Tule River ID
- Deer Creek SWD

LAFCO CASE 1522a

Deer Creek Storm Water District

SOI Amendment



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

In the Matter of the Proposed Amendment)

To the Deer Creek SWD Sphere of Influence)

RESOLUTION NO. 16-0XX

LAFCO Case No. 1522a)

WHEREAS, pursuant to Government Code Section 56425, Local Agency Formation Commissions are required to establish, periodically review and revise or amend Sphere of Influence boundaries; and

WHEREAS, this Commission has adopted a Sphere of Influence Policy which requires that wherever possible, the Spheres of Influence for each of the incorporated cities and various special districts which provide urban services to unincorporated communities in the County reflect a twenty year growth area; and

WHEREAS, the Commission has read and considered the reports and recommendations of the Executive Officer; and

WHEREAS, on January 20, 2016 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

1. The boundaries of the Sphere of Influence amendment are definite and certain as shown in Exhibit A.

2. The information, materials, and facts set forth in the application and the reports of the Executive Officer, including any corrections, have been received and considered in accordance with GC §56427.

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

XXXXXXXXXX

4. All required notices have been given and all proceedings taken in this matter have been and now are in all respects taken in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended.

5. Pursuant to Commission Policy C-5.11, this proposal is a SOI amendment and is not subject to, a Municipal Service Review for Storm Water Districts.

7. Pursuant to GC §56426.5(b), the Commission finds that parts of the project site are under Williamson Act contract. Although, this annexation is consistent with Williamson Act coverage.

8. The Commission has considered the following criteria as required under GC §56425(e):

- (1) *The present and planned land uses in the area, including agricultural and open space uses.*

The amendment to the SOI includes land that is mostly in agricultural production and habitat management. There are no currently proposed changes in land use.

- (2) *The present and probable need for public facilities and services in the area.*

The purpose of the concurrent annexation is primarily for storm water control and secondarily for the possible formation of a Groundwater

Sustainability Agency (GSA).

- (3) *The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.*

The annexation being proposed will allow the District to make improvements and maintain the streams farther upstream from the current location, thus improving the ability to control flooding. The new boundary will cover much more of the potential flood area than the former District boundary allowed. Much of the area is also not currently within a qualifying water agency for the purposes of forming a GSA. No other services will be effected.

- (4) *The existence of any social or economic communities of interest in the area.*

The subject area does not contain social or economic communities of interest.

9. The Commission hereby finds that the proposed Sphere of Influence amendment will not have a significant impact on the environment, and certifies that the Commission has independently reviewed and considered the information contained in the a Notice of Exemption filed by the Deer Creek Storm Water District for the proposed amendment in compliance with the California Environmental Quality Act of 1970, as amended, prior to taking action on said amendment.

10. The Commission hereby finds that the proposed amendment to the Deer Creek Storm Water District Sphere of Influence is in compliance with the Cortese-Knox-Hertzberg Act, GC §§56425:56430 and 56377, and Tulare County LAFCO Policy and Procedure section C-5, Spheres of Influence.

11. The Sphere of Influence for the Deer Creek Storm Water District is hereby amended with the following conditions:

- A) The SOI amendment is contingent on the approval of LAFCO Case 1522b (Deer Creek Annexation)

B) The SOI boundary shall be conterminous with the final boundary approved in LAFCO Case 1522b.

12. The Executive Officer is hereby authorized and directed to sign and file the Notice of Exemption with the County Clerk.

The foregoing resolution was adopted upon the motion by Commissioner _____, and seconded by Commissioner _____, at a regular meeting held this 20th day of January, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

ce

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**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

January 2, 2016

PROPOSAL: Deer Creek Storm Water District Annexation

PROPONENT: Deer Creek Storm Water District by resolution

SIZE: 5 areas of nearly 43,000 acres.

LOCATION: Roughly bounded by Kern County to the south, Kings County to the west, Road 128 (the westerly boundary of the Delano-Earlimart Irrigation District) to the east and Avenues 56 and 120 to the north. **(Figure 1)**

SUMMARY: Deer Creek SWD is proposing the annexation primarily for expanding storm water control services and secondarily for including currently uncovered land into a potential Groundwater Sustainability Agency (GSA). If approved, the Commission may wish to adjust the annexation boundaries (please refer to the Discussion section of the staff report).

APNs: See Assessors Report **(Figure 2)**

NOTICE: Notice for this public hearing was provided in accordance with Government Code Sections 56158, 56153, 56661 and 56300(f).

ANALYSIS

1. Conformity with Plans:

A. Site Information

	Existing	Proposed
Zoning Designation	Mostly Exclusive Agriculture	No Change
General Plan Designation	Agriculture and Habitat Management	No Change
Uses	Agriculture and Habitat Management	No Change

Surrounding land uses are mostly agricultural and habitat management. This proposal does not conflict with the Tulare County General Plan.

2. Impact on Prime Agricultural Land, Agriculture and Open Space:

Portions of the annexation area are in Williamson Act Contract. The approval of this annexation is not inconsistent with continued Williamson Act coverage. Cancellation of Williamson Act Contracts is not contemplated in this application.

3. Population:

According to Tulare County Election Division there are 21 registered voters within the affected area. Therefore, pursuant to GC Section 56046, the annexation area is inhabited.

4. Services and Controls - Need, Cost, Adequacy and Availability:

The annexation being proposed will allow the District to make improvements and maintain the streams farther upstream from the current location, thus improving the ability to control flooding. The new boundary will cover much more of the potential flood area than the former District boundary allowed. Much of the area is also not currently within a qualifying water agency for the purposes of forming a GSA. No other services will be affected.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership. A map sufficient for filing with the State Board of Equalization has been received. However, if the annexation boundaries are changed by the Commission, an updated map and legal description will need to be submitted.

6. Environmental Impacts:

The Deer Creek Storm Water District is the lead agency for this proposal. The District has determined that project is categorically exempt from the California Environmental Quality Act under the following exemptions: 15004(b)(2)(A), 15301,15304,15306,15307,15308,15325,15262, and 15061(b)(3). A copy of the document is included in the application materials.

7. Landowner Consent:

The site contains many parcels (Figure 1). Consent to this annexation has not been received from all the property owners (Figure 3). Notice was mailed to all landowners and registered voter within detachment area. Letters of dissent for the annexation have been received. Therefore, a protest hearing will be required.

8. Discussion:

Services and Controls

Deer Creek Storm Water District is a California Storm Water District formed under the Storm Water Act of 1909. The purpose for the formation of the District was to provide a vehicle for the protection of the southwestern portion of the County from flood waters being generated by the Deer Creek, the White River and the Poso Creek as it exits Kern County heading northwesterly. Maintenance of levees and the streambeds of these ephemeral streams has been the charge of the District throughout its history.

There have been several occasions where the storm waters from these streams have caused substantial flooding to property and persons. The most recent of these was in 2011. The current configuration of the District is limiting in achieving its charge, as it sits at the drainage of these streams. The annexation being proposed will allow the District to make improvements and maintain the streams farther upstream from the current location, thus improving the ability to control flooding. As indicated on the Federal Emergency Management Agency (FEMA) flood map (Figure 4), the new boundary will cover much more of the potential flood area than the former District boundary allowed.

Delano-Earlimart Irrigation District (DEID)

An annexation to the DEID has been proposed (about 8,840 acres) by a group of property owners that overlaps with the annexation to Deer Creek SWD (Figure 3). These property owners want to annex to DEID for the purposes of being covered by that district as a GSA. The proposed DEID annexation has not yet been approved by the DEID Board or submitted to LAFCO.

The Deer Creek annexation is primarily for the purpose of storm water control and secondarily for forming a GSA. If the Commission finds that there is a need for storm water control in this area, the two annexations need not be mutually exclusive. If this area is also annexed into the DEID then the DEID and the Deer Creek SWD would have to agree on the GSA boundaries because GSA boundaries can not overlap.

Overlapping Districts/Wilcox Protest

This discussion is regarding the southern portion of Annexation Area B outlined in Figure 3. This area (about 5,450 acres) is within the Kings River Conservation District and is also overlapped by the Homeland Reclamation District, Tulare Lake Water Storage District and Tulare Lake Drainage District (Figure 5). All of these districts also have the ability to manage storm water. However, the presence of these districts does not legally preclude the Deer Creek SWD from also overlapping boundaries in this area. A written protest (Mr. Wilcox) has been submitted for about 640 acres of land (Figure 7) while written consent has been

received for almost half of the land (about 2,540 acres) in this area. Deer Creek SWD has indicated that it is the District's intention to move storm water across the Homeland Canal to spread it in that area (and other areas north and west) for limited recharge and other general water management and habitat purposes.

In regards to the State Groundwater Management Act (SGMA), this area is within the Tulare Lake Sub-basin while the rest of the proposed annexation to Deer Creek SWD is within the Tule River Sub-basin. SGMA does not allow for overlapping Groundwater Sustainability Agencies (GSAs) so all of the water related districts in this area will need to come to an agreement on which district or group of districts will be the responsible GSA.

Due to the overall level of support versus dissent for the annexation and the District's plans for this area, staff is recommending that this area remain in the annexation.

Potential Addition to Annexation Area

This discussion is regarding the area (about 5,650 acres) bounded by Annexation Areas A, B and E (Figure 3). Areas A and E of the proposed annexation are noncontiguous with the remainder of the annexation and the existing Deer Creek SWD's boundaries. Noncontiguous annexations are not prohibited in the formation act for storm water districts (Storm Water District Act of 1909). However, staff is recommending that this area be added to the annexation because much of the area is subject to flooding risk (Figure 4) and the inclusion of the area would make a more logical boundary for service since one of the stated plans for the District is to bring storm water to the northwest of the Homeland Canal for recharge, water management and habitat purposes.

Manston/Copple Protest and High Speed Rail

This discussion is regarding the protest (Figure 8) submitted by Mr. Manston and Ms. Copple for 5 parcels (14 acres) in the southwest portion of Annexation Area D (Figure 3). The submitted letter notes the location of High Speed Rail (HSR) alignment traversing the area (Figure 6). Since the HSR will be elevated, there may be impacts on the flooding patterns in this area which makes active storm water control even more important. Due to the small size and location of the parcels, staff is recommending that the parcels remain in the annexation proposal.

Taxes

No new taxes would result with this annexation. However, as with any area annexed into a city or district, property assessments can be increased through the Prop 218 election process. In addition, there may be future fees related to the area being within a GSA. These fees may apply to any GSA, whether it be through Deer Creek or another district. Whether or not this area is annexed into Deer Creek SWD, this area is required to be in a GSA.

RECOMMENDED ACTIONS:

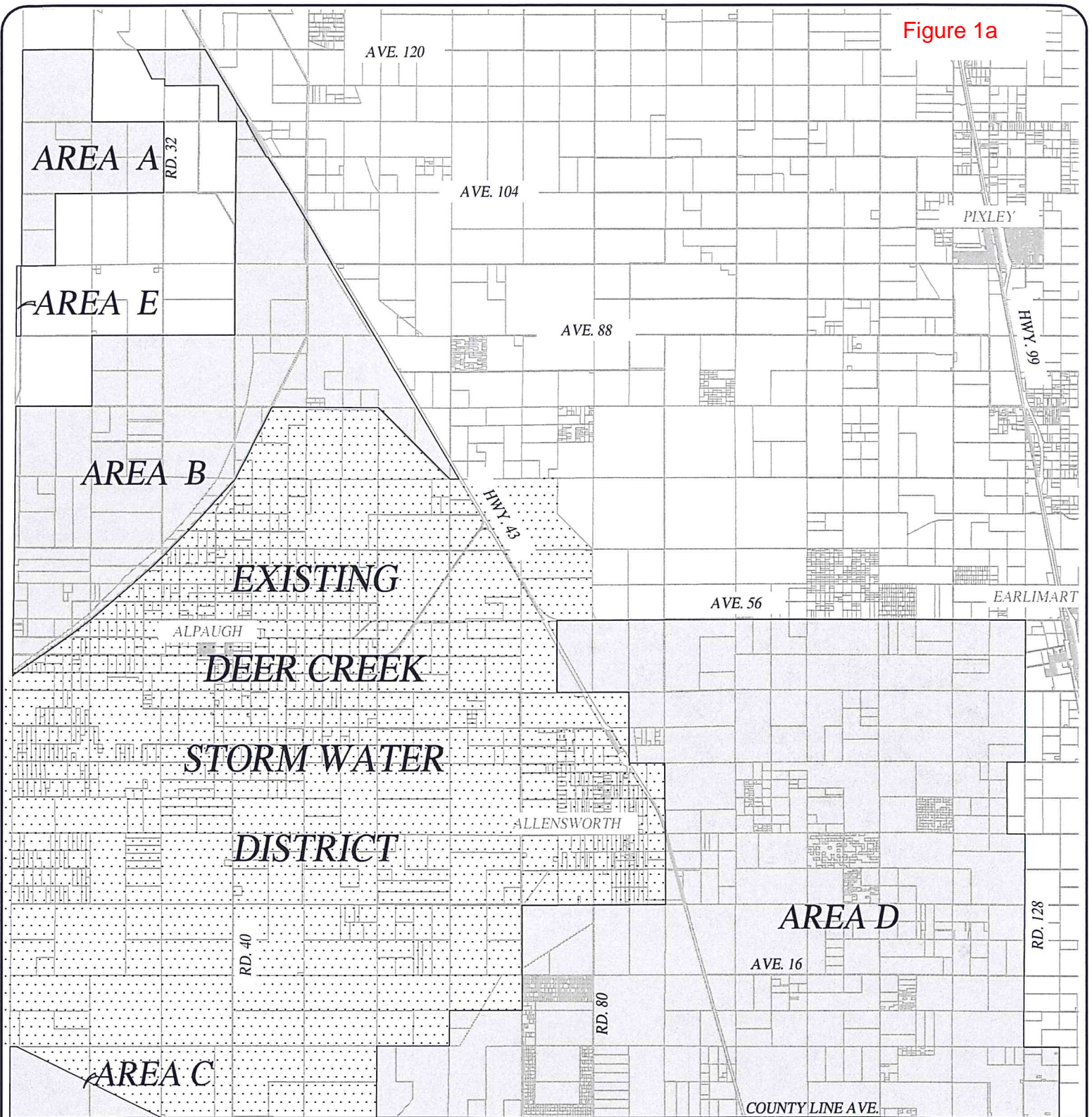
It is recommended that this proposal be approved and that the Commission take the following actions:

1. Certify that the Commission has reviewed and considered the Notice of Exemption prepared by the Deer Creek Storm Water District for this project and find that the project will not have a significant effect on the environment.
2. Add the area bounded by Annexation Areas A, B and E into the annexation.
3. Find that the proposed annexation to the Deer Creek Storm Water District complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
4. Pursuant to LAFCO Policy and Procedure Section C-1, find that:
 - a. The proposed annexation represents a logical and reasonable change of organization of the district.
 - b. The proposed annexation does not conflict with the Tulare County General Plan.
 - c. The proposed boundaries are definite and certain and conform to lines of assessment.
5. Find that the territory proposed for this annexation to the Deer Creek Storm Water District is inhabited.
6. Approve the annexation as proposed by the Deer Creek SWD and amended by the Commission, to be known as LAFCO Case Number 1522b, Deer Creek SWD Annexation with the following condition:
 - a. The Certificate of Completion shall not be recorded until corrections are completed to the map and legal description that include the added area to the annexation.
7. Authorize the Executive Officer to conduct a protest hearing subsequent to these proceedings and to report to the Commission the results of that hearing for action in accordance with GC §§57000-57120.
8. Authorize the Executive Officer to sign and file a Notice of Exemption with the Tulare County Clerk.

Figures:

Figure 1	Site Location Maps
Figure 2	Assessor's Report
Figure 3	Written Consent/Dissent Map
Figure 4	FEMA Flood Zones Map
Figure 5	Southwest Tulare County Water Agencies Map
Figure 6	High Speed Rail Map
Figure 7	Protest Letter – Mr. Wilcox
Figure 8	Protest Letter – Mr. Manston/Ms. Copple
Figure 9	Resolution

Figure 1a



SCALE: 1" = 10000'



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PLOT DATE: 10/21/2015
JOB NO. 150363
DWG. NAME: 150363-ANNEXATION EXHIBIT
SCALE: 1" = 10000'
SHEET NO.: 1 OF 1

ANNEXATION EXHIBIT

DEER CREEK STORM WATER DISTRICT

PREPARED BY:



Quad Knopf

901 E. MAIN STREET
P.O. BOX 3699
VISALIA, CA 93278
TEL: (559) 733-0440
FAX: (559) 733-7821

DRW BY: JLC

CHK BY: DCK

ASSESSOR'S REPORT TO LAFCO & AUDITOR

[Pursuant to Section 56386 of Government Code]

LAFCO CASE NO.: 1522

PROPONENT: Deer Creek Storm Water District

DESCRIPTIVE TITLE: ANNEXATION NO. 1522

1) Total Parcels Lying Entirely Within Proposed Boundaries: 1141

See Itemized list, attached

2) Total Parcels Lying Only Partially Within Proposed Boundaries: 0

NONE

3) a) Total Parcels in Aq Preserve and/or Contract: 186

See Itemized list, attached

b) If Case Is Annexation of Aq Preserve, Does Initiating Agency Address Issue:

N/A

4) a) Total Parcels Owned by Initiating Agency: 0

N/A

b) If Any, Were Parcels Acquired by Eminent Domain or Other Method:

N/A

5) Assessee's Names, Addresses, Tax Rate Areas and Values:

Using the above-referenced Assessor's Parcel Numbers this information is available to you via the County's Property Information System ("PIMS") shared by our offices.

6) Other Comments:

- a) The County Resource Management Agency is the local authority, and the Department of Conservation is the State authority on the existence, extent and status of any agricultural preserves, land conservation contracts and related issues and matters.

Technician: JRS

Date: 12/14/2015

END OF REPORT

Itemized List of Parcels Lying Entirely Within Proposed Boundaries

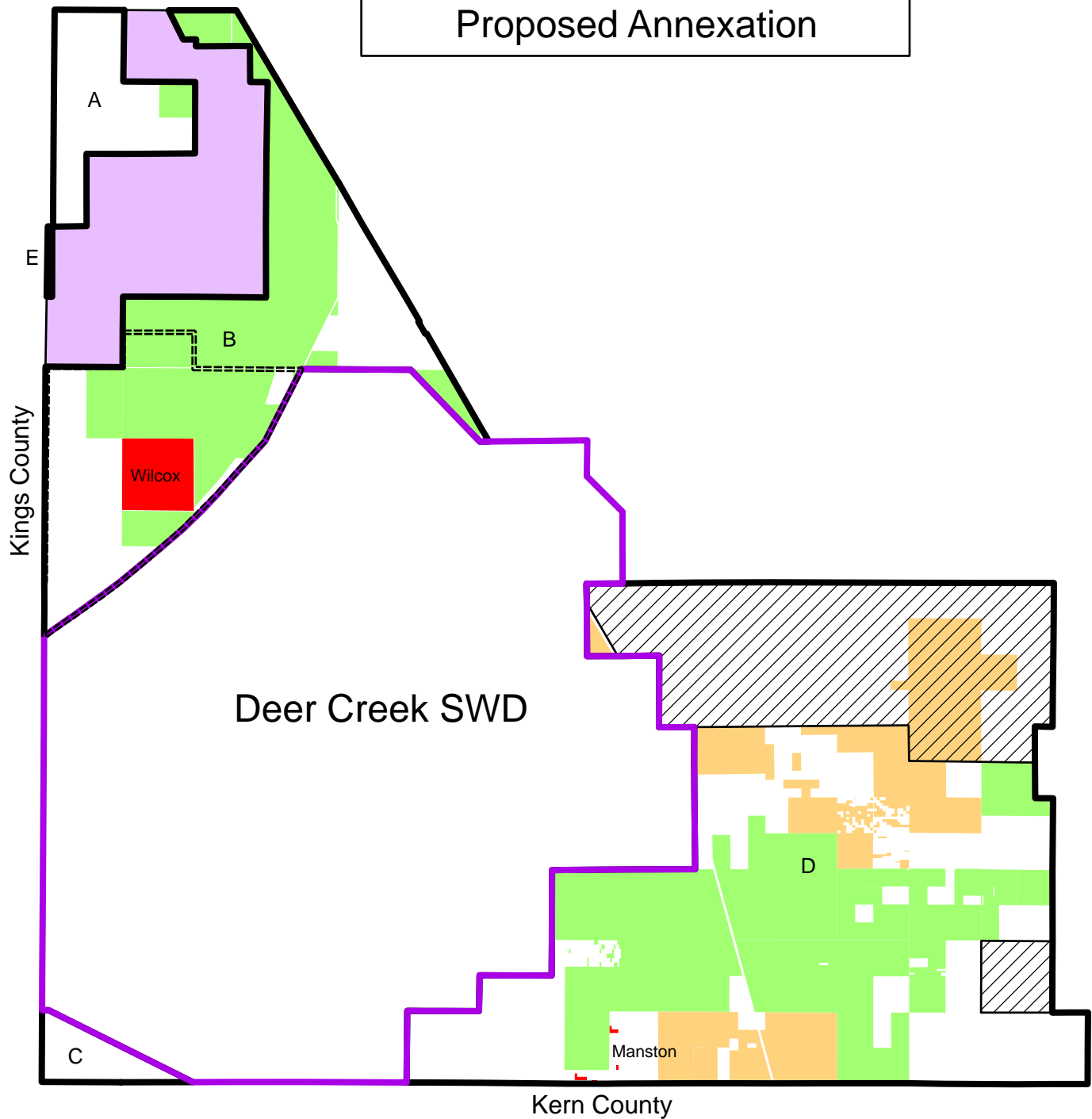
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291-090-002, 013, 014	333-102-001, 002, 004 to 028, 030 to 060
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311-020-001	021, 025, 027 to 029
311-020-012, 019 to 022	333-180-001, 002, 006, 011, 012
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311-060-001 to 003, 005, 010 to 013	054, 056, 058, 059
311-070-001, 002, 004, 029, 036, 037	333-252-001 to 048
311-150-014	333-260-001 to 025, 027 to 042
311-300-001, 025	333-270-001 to 006, 008, 009, 012 to 016
311-310-001 to 009, 011, 012, 018, 019	333-280-002, 006, 008 to 012
311-320-003, 004, 006 to 010	333-290-009, 010, 015, 016
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311-340-001 to 004, 013, 014	333-310-001
311-350-001, 002, 006, 007, 010, 011	333-320-001 to 006
311-360-004, 008, 009, 011, 013 to 016	336-010-001 to 003, 005 to 024, 026 to
313-030-001 to 005	028, 032, 036 to 039, 042
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314-130-002, 003, 005 to 007, 011,	336-160-001 to 004, 009, 012, 014, 015
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333-072-001	
333-063-001 to 031	
333-064-001 to 047	
333-065-001 to 046	

Itemized List of Total Parcels in Ag Preserve and/or Contract

291-120-002, 003	333-050-003 to 010
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333-010-002, 003	
333-020-001, 002, 003, 006	

Figure 3

LAFCO CASE 1522
Deer Creek Stormwater District
Proposed Annexation



Legend

- Deer Creek SWD
- Proposed Annexation
- Consent
- Dissent
- State & Federal Land

Written Consent/Dissent
Land Owners

- Possible Removal from Annexation
- Possible Addition to Annexation
- Possible DEID Annexation

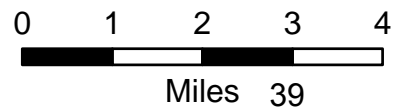
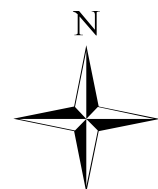


Figure 4

LAFCO CASE 1522
Deer Creek Stormwater District
Proposed Annexation

Kings County

Homeland Canal

Deer Creek






Deer Creek SWD

White River

Poso Canal

Kern County

Legend

-  Deer Creek SWD
-  Proposed Annexation
-  1% Annual Chance
-  .2% Annual Chance
-  Minimal Flooding

FEMA Flood Zones

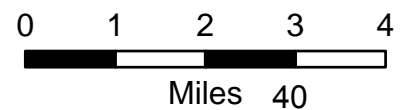
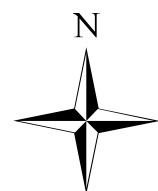
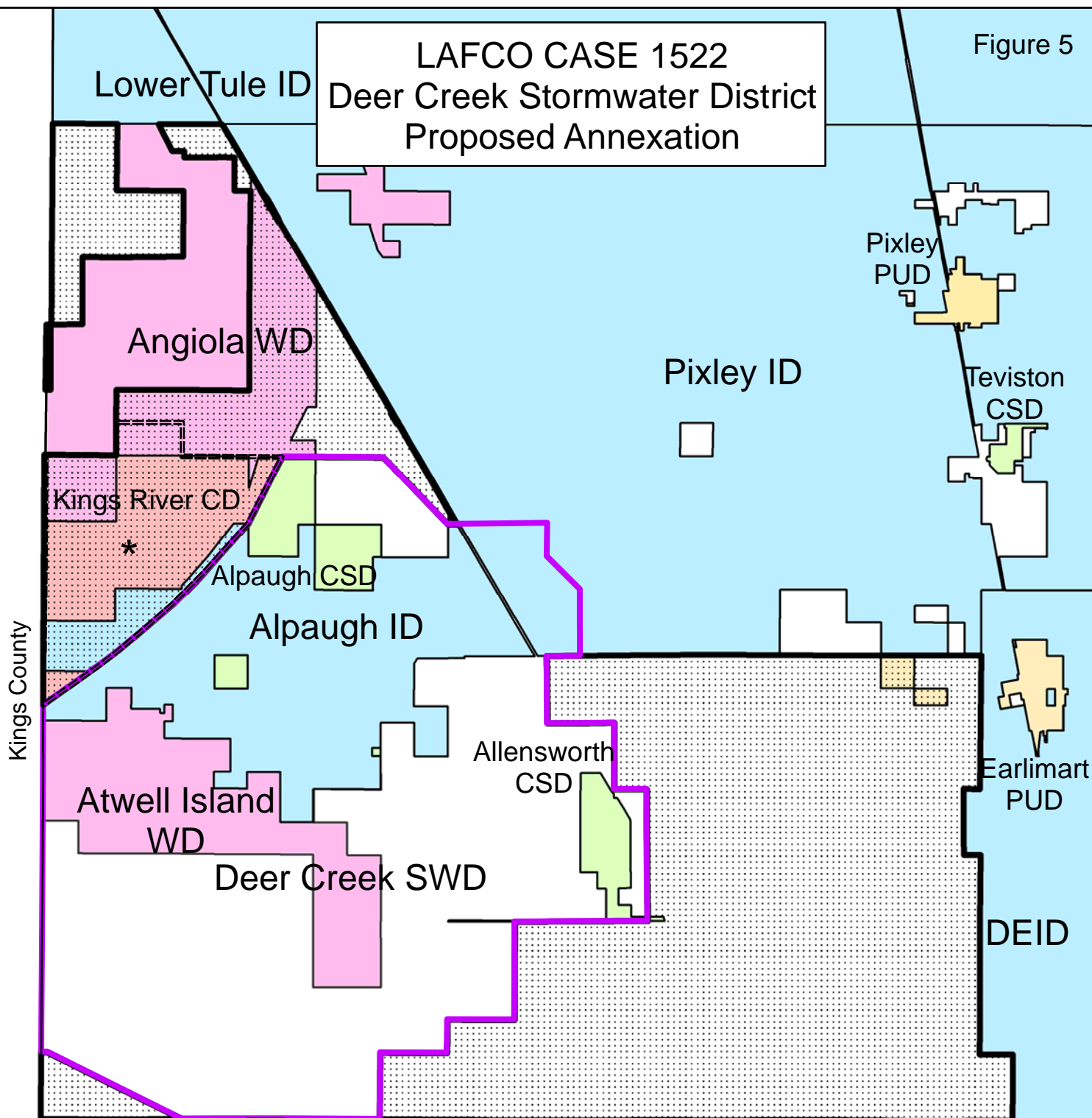


Figure 5

**LAFCO CASE 1522
Deer Creek Stormwater District
Proposed Annexation**



* This area is also overlapped with the Homeland Reclamation District, Tulare Lake Basin Water Storage District and Tulare Lake Drainage District. Also these districts plus Deer Creek, Angiola and Atwell Island extend into Kings County.

Legend (District Types)

- Community Services
- Irrigation
- Water
- Public Utility
- Conservation*

**Southwest Tulare County
Water Agencies**

- Deer Creek Stormwater District
- Proposed Annexation

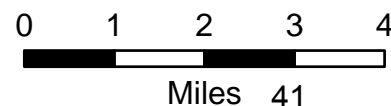
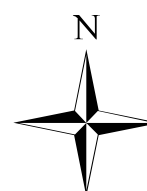
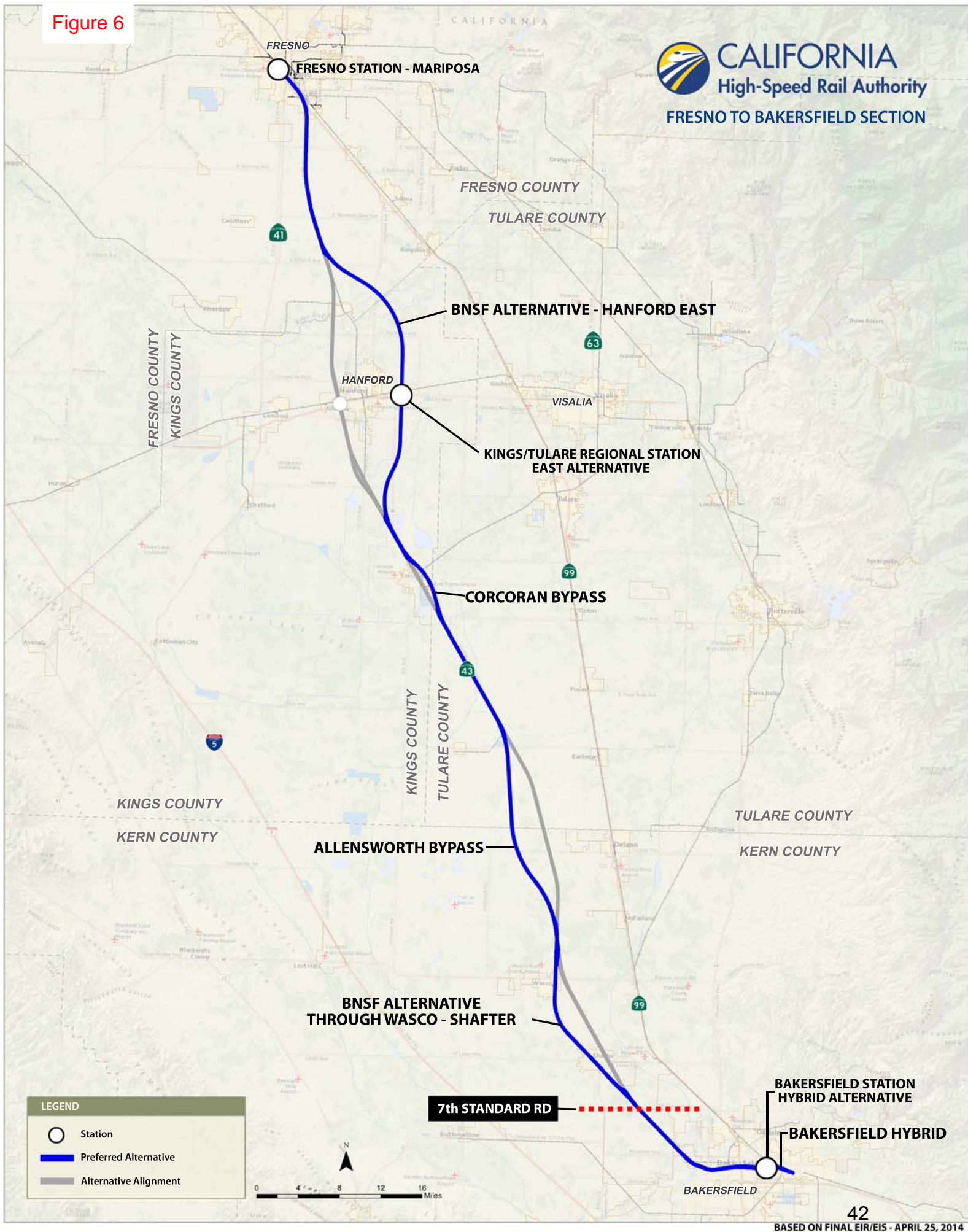


Figure 6



Carlo J. Wilcox

January 11, 2016

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

Subject: LAFCO Case #1522, Deer Creek Storm Water District Sphere of Influence amendment (1522a) and Annexation (1522b)

Dear Mr. Giuliani:

I am the owner of record of Tulare County parcels 311-360-008 and 311-360-009, 640 acres located in section 20, township 23 south, range 23 east. My property is included in the proposed Deer Creek Storm Water District annexation. The purpose of this letter is to object to having my property annexed into both the sphere of influence and included in the boundaries of the Deer Creek Storm Water District.

According to the resolution of application prepared and adopted by the Deer Creek Storm Water District, the district was created to provide assistance to the communities and landowners within its boundaries in protecting against the possibility of flooding from Deer Creek, White River and Poso Creek. Section 20 is located on the west side of the Homeland Canal. Flood flows originating from Deer Creek that find their way into the Homeland Canal are diverted, stored and subsequently beneficially used by the owner/operator of the canal. Land situated on the west side of the Homeland Canal has no meaningful risk of flooding from Deer Creek and no risk whatsoever of flooding caused by White River and Poso Creek. The FEMA flood zone map provided by LAFCO indicates that the eastern third of my parcel has a 0.2% probability of flooding by Deer Creek and the remainder is included in the "minimal" category. A 0.2 percent probability is one chance in 500 and a minimal chance of flooding is even more remote than a one in 500 probability.

It is my belief that the increased area included in the flood control district will be taxed to fund potential future programs while receiving no benefit at all from these programs. Notice Deer Creek's response to question F-2 on the Tulare County LAFCO questionnaire asking for a description of governmental services and controls needed and not provided in the subject territory. Their response is "Increased flood and storm water control **through tax increment and future assessment**, as necessary." Deer Creek's response to question L-1 on the Tulare County LAFCO questionnaire with respect to the cost and adequacy of governmental services and controls in the subject territory and adjacent areas is "Increase in the provision of streambed and levee maintenance within the annexed area, thereby providing enhanced protection to land, crop and people from risks of flooding and debris flow. No specific additional cost envisioned. **Potential project specific assessments may become necessary for large capital improvement projects in the future.**" In the response to question L-3 requesting an explanation of how the proposed annexation will contribute to the logical and reasonable development of local governmental

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structures of Tulare County, Deer Creek responds "This will help the local governmental structure because land which has heretofore been outside of governmental units will no longer be without vital storm water control during wet periods." The FEMA flood map plainly indicates that any taxes or assessments paid for so called "vital storm water control during wet periods" will be to fund programs and activities that by their very nature will not provide benefit to the properties that will be made to pay those taxes and assessments. We are potentially being forced to pay for improvements in the name of flood control despite having no risk of flooding.

By way of an example of paying taxes without receiving benefits, my property is in the Tulare Lake Drainage District (TLDD). More than 70 percent of the property taxes paid to Tulare County go to the TLDD. My property receives no benefit from the District. At the time we purchased the property, the TLDD assessments were in place. It is ludicrous for me to willingly allow a similar situation to occur again.

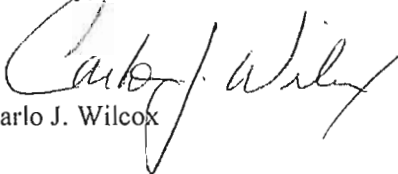
My parcels, as well as several others in the area located on the west side of the Homeland Canal, participate in the National Resource Conservation Service (NRCS) Wetlands Reserve Program. With respect to CEQA, I don't think a "categorical exemption," a "statutory exemption," nor a "common sense exemption" is appropriate without first receiving input from the NRCS.

Question "O" of the Tulare County LAFCO questionnaire requests the names of cities or districts located wholly or partially within the boundaries of the subject territory: The Tulare Lake Basin Water Storage District and the Tulare Lake Drainage District each overlap a portion of the proposed annexation, specifically portions of sections 8, 16, 17, 18, 19, 20 and 21, T23S, R23E overlap the area East of the Kings/Tulare County Line and west of the Homeland Canal; but these districts were not named in the response provided by Deer Creek.

In closing, Tulare County LAFCO should look very critically and suspiciously at this request by the Deer Creek Storm Water District to nearly double its tax base. The highest probability of flooding according to FEMA is one percent or one chance in 100 along the Deer Creek and portions of Poso Creek, substantially less throughout most of the area proposed for annexation. The Deer Creek Storm Water District was active in the 1980's and became inactive for a long period. Whatever the motivation that caused the district to become active again, LAFCO should not approve an expansion of local government thereby exposing landowners to increased taxes with no measurable benefit. Rather than approving an annexation resulting in a larger tax base for Deer Creek Storm Water District solely based on nebulous and vague explanations and descriptions of "large capital improvement projects in the future," it would be more appropriate to consider the need for an annexation based on the specific projects, the benefits to the property and the impact on the property being asked to pay the bill, at the time in the future when those specific projects are contemplated.

I look forward to your favorable consideration of this request.

Sincerely,


Carlo J. Wilcox

Gregg Manston & Debra Copple

210 N. Church Street, Ste. B
Visalia, CA 93291

P.O. Box 343

JAN 07 2016

Claremont, CA 91711

(909) 869-0088 or toll free (800) 876-4312 fax (909) 869-7391
e-mail honeycott@verizon.net

MAIL RECEIVED

January 5, 2016

Page 1 of 1

Ben Giuliani, Executive Officer
 Tulare County Local Agency Formation Commission
 210 N. Church, Suite "B"
 Visalia, CA 93291

SUBJECT DEER CREEK STORM WATER DISTRICT ANNEXATION
 RE: TRICO FEE LANDS NUMBER 3 SUBDIVISION, TULARE COUNTY
 TULARE CO. LAFCO CASE NO 1522

We own properties within the Trico Fee Lands No. 3 subdivision in Tulare County; located in a portion of Section 32, Township 24 South, Range 24 East, Mt. Diablo Baseline & Meridian. The properties Gregg Manston owns are Tulare County Assessor Parcel Numbers 333-063-029 (Lot 102, Trico Fee Lands No. 3), 333-065-023 (Lot 144, Trico Fee Lands No. 3), 333-065-027 (Lots 177-181, Trico Fee Lands No. 3) and 333-064-039 (Lots 209-210, Trico Fee Lands No. 3). Debra Copple owns Tulare County Assessor Parcel Number 333-073-021 (Lots 30-34, Trico Fee Lands No. 3)

We received notices on December 20, 2015 concerning a proposed annexation by the Deer Creek Storm Water District of our properties within the Trico Fee Lands No. 2 subdivision - LAFCO Case No. 1522.

We do not want our lands to be included in this annexation. We are not interested in having our lands be included in the Deer Creek Storm Water District. Our reasons are as follows:

1. Our properties are small acreage properties that would receive no benefits from this annexation.
2. We are concerned about increases in property taxes, bond assessments, special district assessments and/or other fees due to our inclusion within the Deer Creek Storm Water District.
3. We are wondering about possible new property tax assessments, bonds, special district assessments and/or other fees to our lands in future years, especially considering Proposition 13, the Jarvis-Gann initiative passed by California voters in 1978 and the subsequent Mello-Roos "special district" property "assessments" legislation passed by the California State Legislature in 1983.

Gregg Manston & Debra Copple

Page 2 of 3

4. Effects of the California High Speed Rail Project, which will be transversing through the Trico Fee Lands No. 3 subdivision.
5. The topography of the area where my lands area located.
6. Conditions have not changed since 1939 when the Trico Fee Lands No. 3 subdivision was created.

We have experienced additional taxes, bonds, special assessments and/or fees assessed on other small acreage rural properties we own elsewhere within the southern San Joaquin Valley; applied by well meaning special districts such as the Deer Creek Storm Water District. We receive no benefits from the payments we have been making.

We believe it is quite possible that the Deer Creek Storm Water District might assess property taxes, special assessments and/or bonds on our properties in future years. We think these additional fees would not aid our properties in any manner whatsoever.

We also wonder what the inclusion of our Trico Fee Lands No. 3 lands within the Deer Creek Storm Water District will have in relation to Proposition 13, the Jarvis-Gann property tax voter initiative passed by California voters in 1978. This initiative states that property taxes cannot be increased except by approval of a 2/3 majority of voters residing within the area affected by any proposed increase in taxes. As of this date, I have seen no vote in the area that is proposed to be serviced by the Deer Creek Storm Water District.

We am concerned that the Deer Creek Storm Water District might attempt an "end run" around Proposition 13, possibly by using a Mello-Roos "special assessment" claim. The Mello-Roos law was enacted by the California Legislature in 1983 to establish "special improvement districts" so that special improvement property "assessments" could be assessed on each property within the "special improvement district". The Mello-Roos law does not require voter approval. Mello-Roos assessments can be rather substantial for the services provided.

One of us, Gregg Manston, spoke with Cynthia Echavarria, Staff Analyst for the Tulare County Local Agency Formation Commission, on January 5, 2016. Mr. Manston inquired about the effects of the California High Speed Rail Project in regards to the Deer Creek Storm Water District annexation. She stated the Deer Creek Storm Water District and the Tulare County Local Agency Formation Commission had not made any considerations in regards to the California High Speed Rail Project. Ms. Echavarria also stated that no one from her agency nor the Deer Creek Storm Water District had attempted to make any contact with the California

Gregg Manston & Debra Copple

Page 3 of 3

High Speed Rail Authority. We thought this omission to be quite scary.

The California High Speed Rail Project will be going right through the Trico Fee Lands No. 3 subdivision, running in a general north to south direction. This project will place a solid berm several feet above the ground level for many miles with few water under crossings. It will adversely affect any flood control project that might be intended. Construction of the first link of the California High Speed Rail Project will be in Kern and Tulare Counties, including the annexation area of the Deer Creek Storm Water District. This construction is expected to start within five years. We believe the California High Speed Rail Project will negate any efforts made by and/or will be made by the Deer Creek Storm Water District for any flood control efforts.

Ms. Echavarria stated that currently the Deer Creek Storm Water District was not going to apply any taxes, bonds, special assessments nor other fees on any of the properties annexed. However, she stated she could not "predict what the future might bring" in regards to new fees, costs or charges to landowners within the annexation areas. Based on our past experiences, we would bet that new fees will be assessed to our properties, and we would receive little if anything in return.

The topography of this general area is flat, making chances of extreme flooding in normal years very slim. If flooding did occur, such as in a 100 year flood storm year, little help would occur from flood canals, since the land is very flat.

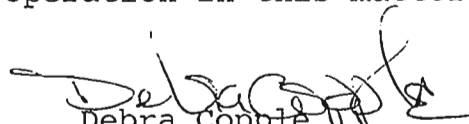
The Trico Fee Lands No. 3 subdivision was established in 1939. Things have not changed much since 1939 in the Trico Fee Lands No. 3 subdivision. Since 1939, there has been no need for any Storm Water District here. We question the need for a Storm Water District now. We wish our lands to be excluded from any Storm Water District at this time.

Please exclude all our lands within the Trico Fee Lands No. 3 subdivision from the Deer Creek Storm Water District annexation.

Thank you very much for your cooperation in this matter!!!

Sincerely,


Gregg Manston


Debra Copple

CC: Cynthia Echavarria, Tulare Co. Local Agency Formation Comm.
Deer Creek Storm Water District, 944 Whitley, Suite "D",
Corcoran, CA 93212
Howard Jarvis Taxpayer Assn., 921 11th St., Sacramento, CA

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

In the Matter of the Proposed Annexation)	
To the Deer Creek Storm Water District)	RESOLUTION NO. 16-0XX
LAFCO Case No. 1522b)	

WHEREAS, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for approval of a proposal from the Deer Creek Storm Water District to annex certain territories described in attached Exhibit "A" made a part hereof; and

WHEREAS, this Commission has read and considered the Resolution of Application and application materials and the report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on January 20, 2016 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

1. The information, material and facts set forth in the application and the report of the Executive Officer (including any corrections), have been received and considered in accordance with GC §56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.
2. The Deer Creek Storm Water District, as Lead Agency, filed a Notice of Exemption in compliance with the California Environmental Quality Act (CEQA). And finds that the proposed Detachment will not have a significant impact on the environment. Under the

California Environmental Quality Act (CEQA) Section 15004(b)(2)(A), 15301, 15304, 15306, 15307, 15308, 15325, 15262, and 15061(b)(3), the proposal is considered exempt from CEQA review.

3. The Commission has reviewed and considered, in accordance with GC §56668, the information, materials and facts presented by the following persons who appeared at the public hearing and commented on the proposal:

XXXXXXX

4. 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.

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

- a. This proposal is for the annexation of territory consisting of nearly 43,000 acres of land.
- b. The boundaries of the proposed annexation are definite and certain and conform to lines of assessment.
- c. More than 12 registered voters reside in the affected territory and 100% landowner consent was not received.
- d. No change in services will result from this annexation other than storm water control.
- e. An annexation into a storm water district is not mutually exclusive to an annexation into an irrigation district.

6. Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations:

- a. The area bounded by Annexation Areas A, B and C (about 5,650 acres) shall be added to the annexation.
- b. The proposed annexation is compatible with the County's General Plan.

- c. There is a demonstrated need for storm water control services and the District has the capability of meeting this need.
- d. The proposed annexation represents a logical and reasonable expansion of the annexing district.
- e. The proposal is consistent with the findings and declarations of GC §56001.

7. Authorize the Executive Officer to conduct a protest hearing subsequent to these proceedings and to report to the Commission the results of that hearing for action in accordance with GC §§57000-57120.

8. Approve the annexation as proposed by Deer Creek Storm Water District, to be known as LAFCO Case Number 1522b, Deer Creek Storm Water District, with the following conditions:

- a. The Certificate of Completion shall not be recorded until corrections are completed to the map and legal description that include the added area to the annexation.

9. The following short form designation shall be used throughout these proceedings:

LAFCO Case No. 1522b, Deer Creek Storm Water District Annexation.

10. Determines, in accordance with CEQA, as a Responsible Agency, that it has considered the Notice of Exemption prepared by Deer Creek Storm Water District:

The foregoing resolution was adopted upon motion of Commissioner _____,
seconded by Commissioner _____, at a regular meeting held on this 20th day of January,
2016 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

ce

2016 Events Calendar

JANUARY

- 20-22 California Association of Sanitation Agencies Conference (Palm Springs)
- 22 **CALAFCO Legislative Committee** (San Diego)

FEBRUARY

- 5 **CALAFCO Board of Directors Meeting** (Irvine)
- 26 **CALAFCO Legislative Committee** (Sacramento)

MARCH

- 9 Association of CA Water Agencies Legislative Symposium (Sacramento)
- 10-13 Local Government Commission Ahwahnee Conference (Yosemite)
- 18 **CALAFCO Legislative Committee** (Conference Call)
- 30-31 **CALAFCO Staff Workshop** (Universal City)

APRIL

- 1 **CALAFCO Staff Workshop** (Universal City)
- 6 California Assn. of Sanitation Agencies Legislative Policy Forum (Sacramento)
- 6-8 Fire District Association Annual Meeting (Napa)
- 22 **CALAFCO Legislative Committee** (Ontario)
- 27 League of Cities Legislative Day (Sacramento)

MAY

- 20 **CALAFCO Legislative Committee** (Conference Call)
- 3-6 Association of California Water Agencies Conference (Monterey)
- 6 **CALAFCO Board of Directors Meeting** (Sacramento)
- 17-18 California Special Districts Assn. Legislative Days (Sacramento)
- 18-19 California State Assn. of Counties Legislative Conference (Sacramento)

JUNE

- 24 **CALAFCO Legislative Committee** (Conference call)

JULY

- 29 **CALAFCO Board of Directors Meeting** (San Diego)

AUGUST

- 5 **CALAFCO Legislative Committee** (Conference call)
- 10-12 California Association of Sanitation Agencies Annual Conference (Monterey)

SEPTEMBER

- 28-30 Regional Council of Rural Counties Annual Conference (South Lake Tahoe)

OCTOBER

- 5-7 League of California Cities Annual Conference (Long Beach)
- 10-13 California Special Districts Assn. Annual Conference San Diego)
- 26-28 **CALAFCO Annual Conference** (Santa Barbara)
- 28 **CALAFCO Board of Directors Meeting** (Santa Barbara)

NOVEMBER

- 11 **CALAFCO Legislative Committee (2017)** (Conference call)
- 29-30 Association of California Water Agencies Conference (Anaheim)
- 29-30 California State Assn. of Counties Annual Conference (Palm Springs)

DECEMBER

- 1-2 California State Assn. of Counties Annual Conference (Palm Springs)
- 1-2 Association of California Water Agencies Conference (Anaheim)
- 2 **CALAFCO Board of Directors Meeting** (Sacramento)
- 9 **CALAFCO Legislative Committee (2017)** (San Diego)