



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:
Pete Vander Poel, Chair
Julie Allen, V-Chair
Martha Flores
Dennis Townsend
Pamela Kimball

LAFCO MEETING AGENDA March 4, 2020 @ 2:00 P.M. BOARD OF SUPERVISORS CHAMBERS COUNTY ADMINISTRATIVE BUILDING 2800 West Burrel Avenue Visalia CA 93291

ALTERNATES
Eddie Valero
Carlton Jones
Manny Gomes

EXECUTIVE OFFICER
Ben Giuliani

- I. **Call to Order**
- II. **Approval of Minutes from January 22, 2020** (Pages 01-02)
- 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. **Annexation to the City of Tulare and Detachment from Tulare Irrigation District and from County Service Area #1, Case 1547-T-166 (Cartmill Crossing)** (Pages 03-18)
[Public Hearing].....Recommended Action: Approval

The City of Tulare has submitted a request for an annexation of approximately 144.43 acres of land located at the northeast corner of Cartmill Avenue and State Route 99. An Environmental Impact Report has been prepared in compliance with CEQA by the City of Tulare.

- 2. **Sphere of Influence Amendment to the City of Woodlake, Case 1548-W-25a** (Pages 19-26)
[Public Hearing].....Recommended Action: Approval

The City of Woodlake has submitted a request for a Sphere of Influence amendment of approximately 38 acres of land located west of the intersection of Cajon Avenue and State Route 245. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the City of Woodlake.

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. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291

3. Annexation to the City of Woodlake and Detachment from County Service Area #1, Case 1548-W-25 **(Pages 27-40)**
[Public Hearing].....*Recommended Action: Approval*
 The City of Woodlake has submitted a request for an annexation of approximately 54.4 acres of land which include approximately 38 acres of land located west of the intersection of Cajon Avenue and State Route 245 and approximately 16.4 acres of land located between Cajon Avenue and Wutchumna Avenue east of Road 212. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the City of Woodlake.

4. Annexation to the City of Tulare and Detachment from Tulare Irrigation District and from County Service Area #1, Case 1549-T-167 (Fernjo Estates) **(Pages 41-56)**
[Public Hearing].....*Recommended Action: Approval*
 The City of Tulare has submitted a request for an annexation of approximately 18.1 acres of land located east of Mooney Boulevard, approximately 1400 feet south of the intersection of Mooney Boulevard and Bardsley Avenue. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the City of Tulare.

V. Executive Officer's Report

1. Legislative Update **(Page 57-65)**
 See enclosed CALAFCO legislative report.

2. Upcoming Projects **(No Page)**
 The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO projects.

VI. Correspondence

There are no correspondence items.

VII. Other Business

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

VIII. Setting Time and Place of Next Meeting

1. April 1, 2020 @ 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. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291

TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

**2800 W. Burrel Ave., Visalia, CA 93291 – Tulare County Administrative Building
January 22, 2019 – Meeting Minutes**

Members Present: Vander Poel, Allen, Kimball, Flores, Townsend
Members Absent:
Alternates Present: Gomes
Alternates Absent: Valero, Jones
Staff Present: Giuliani, Ingoldsby, & Kane recording
Counsel Present: Kuhn

- I. **Call to Order:** Chair Vander Poel called the meeting to order at 2:00 p.m.
- II. **Approval of the December 11, 2019 Meeting Minutes:**
Upon motion by Commissioner Allen and seconded by Commissioner Kimball, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**
Chair Vander Poel opened/closed the Public Comment Period at 2:02 p.m. No public comments received.
- IV. **New Action Items:**
 1. **Sphere of Influence Amendment to the Lindsay-Strathmore Irrigation District**
Staff Analyst Ingoldsby presented both action items pertaining to the Lindsay-Strathmore Irrigation District (LSID) together, and provided a detailed review of the location and acres that would be effected. Staff Analyst Ingoldsby highlighted the required determinations for the sphere of influence amendment and discussed the purposed reorganization. There was discussion regarding the provision of water by the City of Lindsay and LSID.

Chair Vander Poel opened the public hearing for both LSID action items at 2:12

Mr. Dennis Keller, with Keller & Wegley Engineering spoke in support of the LSID sphere of influence amendments, annexation, and detachment to the LSID.

Mr. John Lollis, with City of Porterville commented regarding the provision of water and made comparisons to the Porterville Irrigation District.

Chair Vander Poel closed the public hearings at 2:19

Upon motion by Commissioner Allen and seconded by Commissioner Townsend, the Commission unanimously approved the sphere of influence amendment as recommended.
 2. **Annexation and Detachment to the Lindsay-Strathmore Irrigation District, Case 1546**
Presented along with item IV-1
Upon motion by Commissioner Allen and seconded by Commissioner Townsend, the Commission unanimously approved the annexation and detachment as presented.

V. Executive Officer's Report

1. **Legislative Update:**

EO Giuliani stated that the California legislature had recently returned, so currently only the two-year bills, which carried over from last session were listed in the report. As new legislative bills and information becomes available it will be included in future updates.

2. **Upcoming Projects:**

EO Giuliani stated that two annexations for the City of Tulare and one annexation for the City of Woodlake would be presented during the March meeting.

VI. Correspondence:

1. None

VII. Other Business:

1. **Commissioner Report:**

None

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

None

VIII. Setting Time and Place of Next Meeting:

The next Local Agency Formation Commission (LAFCO) meeting scheduled for **March 4, 2020 at 2:00 p.m.** in the Board of Supervisors Chambers in the County Administration Building

IX. Adjournment: The Tulare County LAFCO meeting adjourned at 2:24 p.m.

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

March 4, 2020

**LAFCO Case Number 1547-T-166
City of Tulare Annexation No. 2017-01 (Cartmill Crossing)**

- PROPOSAL:** City of Tulare Reorganization (annexation to Tulare, detachment from Tulare Irrigation District and from CSA #1)
- PROPONENT:** The City of Tulare by resolution of its City Council
- SIZE:** 143.3 acres
- LOCATION:** The northeast corner of Cartmill Avenue and State Route 99
(Figure 1)
- NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.
- SUMMARY:** The purpose for the annexation is to facilitate the Cartmill Crossings development which plan includes residential, commercial, and recreational uses
- APNs:** 149-230-010, 149-230-019, 149-230-020, 149-230-021

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing (County)	Proposed (City)
Zoning Designation	AE-20	Commercial (C-3) – 68.6 acres Single Family Residential (R-1-6) – 30 acres Medium Density Residential (R-M-2) - 4.4 acres High Density Residential (R-M-4) - 7.7 acres Public Lands (PL) – 7 acres
General Plan Designation	Agriculture	Regional Commercial
Uses	Vacant	Commercial, Single Family and Multi-Family Residential, Park and Drainage Basin

B. Surrounding Land Uses and Zoning and General Plan Designations:

	Zoning Designation	General Plan Designation	Existing Use
North	AE-20	Agriculture	Farmland
South	C-3 Commercial	Regional Commercial	Farmland
East	AE-20	Agriculture	Farmland
West	C-3 Commercial	Regional Commercial, Service Commercial	Farmland, Gas Station, Loan Agency, RV Sales

C. Topography, Natural Features and Drainage

The site is relatively flat and does not contain any natural topographical features. An irrigation ditch lies along a portion of eastern side and State Route 99 runs along the western side of the area.

D. Conformity with General Plans and Spheres of Influence:

The site is consistent with the City's General Plan and is within the City's Sphere of Influence.

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

The land is considered prime agriculture land Class I. The parcels are not under Williamson Act contract. Issues regarding the conversion of agriculture land were addressed in the Environmental Impact Report and the Mitigation Monitoring and Reporting Program which include loss mitigation measures at a 1:1 ratio.

3. Population:

There are not more than 12 registered voters in the proposed annexation area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

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

Agency providing service

<i>Service</i>	<i>Now</i>	<i>After</i>	<i>Method of finance</i>
Police Protection	County of Tulare	City of Tulare	General Fund
Fire Protection	County of Tulare	City of Tulare	General Fund
Water Supply	Tulare Irrigation District / Individual Wells	City of Tulare	User Fees / General Fund
Sewage Disposal	None	City of Tulare	User Fees / General Fund
Street Lighting	None	City of Tulare	General Fund
Street Maintenance	County of Tulare/ City of Tulare	City of Tulare	General Fund
Planning/Zoning	County of Tulare	City of Tulare	General Fund
Strom Drainage	None	City of Tulare	General Fund

The City can provide all other urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services.

The proposal could result in water use of 89.7 million gallons annually. According to the City and the project EIR, the City has adequate capacity to serve the development though an additional well is planned to be installed in the vicinity to ensure consistency of water service. The proposal would generate approximately 102,209 gallons per day of wastewater. The City's domestic wastewater treatment facility has a total capacity of 6.0 mgd with average flows currently at 4.15 mgd. The treatment facility has the available capacity to serve this project.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment. A map sufficient for filing with the State Board of Equalization has not yet been received. Staff is working with the applicant to finalize the map and legal description.

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	\$ 3,832,076
Improvements	\$ 0
Total	\$ 3,832,076

7. Environmental Impacts:

The City of Tulare is the lead agency for this proposal. The City prepared an Environmental Impact Report (EIR). On the basis of the EIR the City adopted a statement of overriding considerations and a Mitigation Monitoring and Reporting Program (MMRP). A copy of the document is included in the application materials. Among the items identified in the MMRP, significant impacts from the report include the loss of 120 acres of farmland, The identified mitigation measures would mitigate the loss of agriculture land at a ratio of 1:1 through actions like funding agriculture conservation easements, purchasing credits from an agriculture mitigation bank, etc. though the effects were determined to still be significant and unavoidable even after mitigation.

8. Landowner Consent:

Signed consent to this annexation has not been received from all property owners. Notice was mailed to all landowners and registered voters within the reorganization area. 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 reconsideration period if the reorganization is approved.

9. Regional Housing Needs Assessment (RHNA):

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.

Approximately 42.1 acres are proposed for residential development. However since no project proposal has been submitted, the income groups this annexation will help are unknown at this time. Based on the project description in the EIR, up to 342 units are estimated to be built.

2014-2023 City of Tulare RHNA

Very Low	Low	Moderate	Above Moderate	Total
920	609	613	1,452	3,594

10. Discussion:

Prior Conditions of Approval

In the last annexation approved for the City of Tulare, the following condition of approval was included (Resolution 10-015):

F) The City shall continue to work with the Pratt Mutual Water Company in an effort to deliver potable water to the Matheny Tract Subdivision (this is predicated on Pratt Mutual's continued good-faith effort to work with the City). In addition, the City shall work in conjunction with the County of Tulare in good faith to make water and sewer service available through the pursuit of grants and other funding mechanisms.

The City now provides water to the Matheny Tract with the consolidation of the water systems being completed 2016. The City is engaged in discussions with Tulare County and other stakeholders to identify a route for future wastewater lines to serve the Matheny Tract. See the attached letter from the City of Tulare **(Figure 3)**.

Government Services

The adequacy of governmental service will be improved within the subject area. According to the City they are 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

Services which would be extended to this area, including police and fire safety services and development permit services, will be funded primarily through impact and permit fees by the property owner/developer. Once water and sewer services are extended, ongoing maintenance will be paid for from metering.

Detachment from the Tulare Irrigation District

Along with the annexation, the City also proposes to detach the site from the Tulare Irrigation District. This is normally proposed when immediate development of the annexation site is pursued and irrigation services will no longer be required.

Residential Land Supply

Of the 143.3 acres included in the proposed annexation, 30 acres would be for low density residential development, 4.4 acres would be for medium-density residential development and 7.7 acres would be for high-density residential development. Since no current Tentative Map has been filed, it is unknown at this time how many residential units will added as a result of this annexation but the EIR projects 342 total units to be built (132 single family units and 210 multi-family units) The City of Tulare currently has approximately 3.19 people per housing unit in the existing built city. If 342 are units are built and occupied at the current density rate, approximately 1,091 people may live in the proposed annexation area. The City of Tulare has submitted another annexation proposal, 1549-T-167, which is scheduled to be heard at this same LAFCO meeting. This concurrent annexation is approximately 18.1 acres and anticipates 81 single family homes to be constructed.

No residential land has been annexed into the City since 2010. From 2010 to 2019, the City has added 2,051 housing units and 7,689 people per the Department of Finance. LAFCO staff will work with City staff to develop consistent residential land figures for future use for LAFCO's 10-year residential land supply analysis. Attached is a site map for available housing from the 2015 City of Tulare Housing Element.

RECOMMENDED ACTIONS:

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

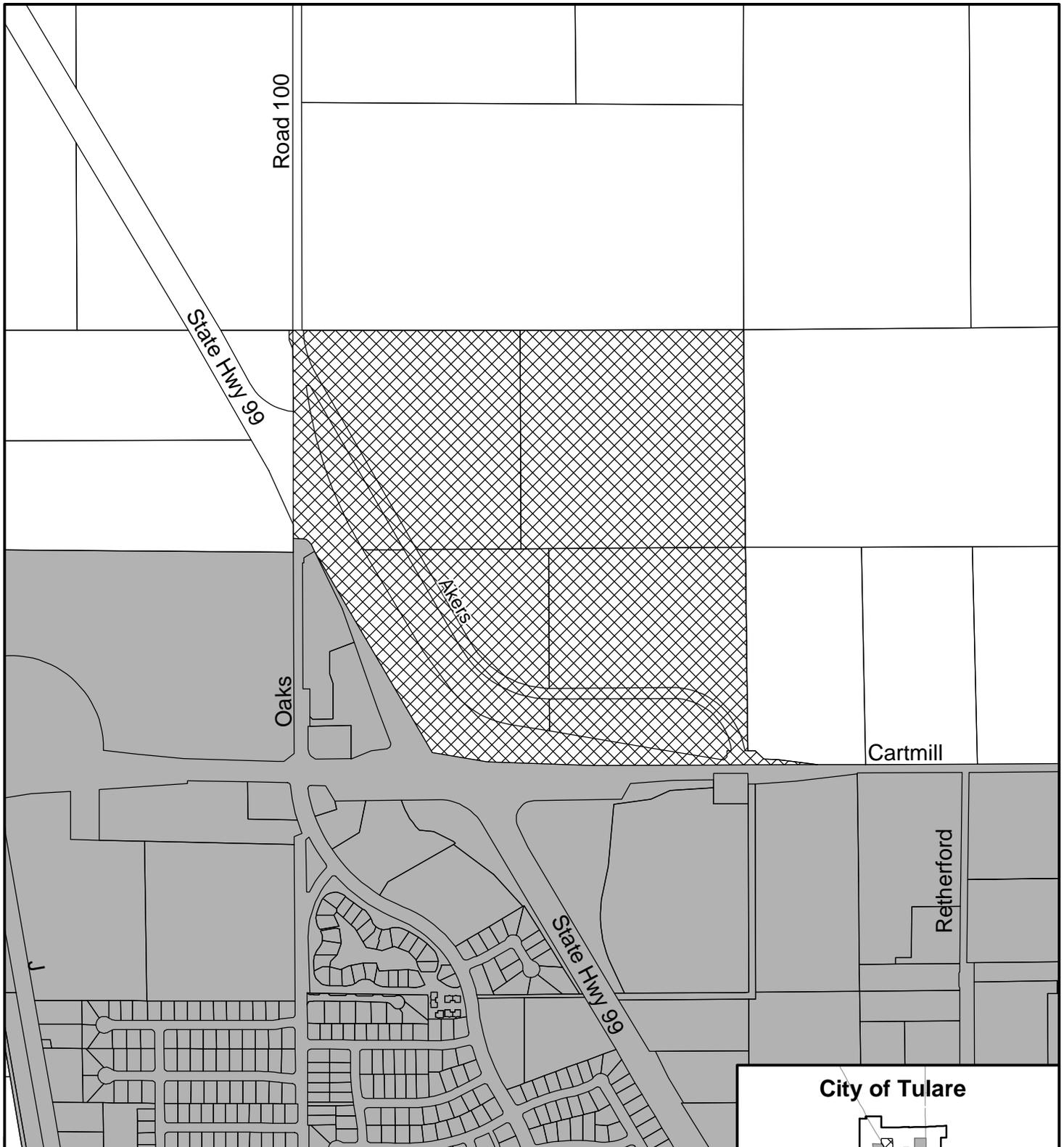
1. Certify that the Commission has reviewed and considered the Environmental Impact Report prepared by the City of Tulare for this project and find that the project will have significant impacts on the environment, and certifies that the Commission has considered the EIR SCH#2018111038 and adopts by reference the City's Findings and Statement of Overriding Considerations regarding the impacts to the environment..
2. Find that the proposed reorganization of the City of Tulare complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, find that:
 - a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
 - 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.
4. Find that the territory proposed for this annexation to the City of Tulare and detachment from the Tulare Irrigation District and from CSA #1 is uninhabited.
5. Find that the annexation does not contain any Williamson Act contract land.

6. Approve the reorganization as proposed by the City of Tulare, to be known as LAFCO Case Number 1547-T-166, City of Tulare Annexation 2017-01 (Cartmill Crossing).
 - 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 made to the map and legal description which make it sufficient for filing with the Board of Equalization.
 - c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
7. Waive the protest hearing for this proposal in accordance with subsection (c) of Government Code §56663 and order the reorganization without an election or if written protests are received prior to the conclusion of the public hearing, conduct the protest hearing pursuant to GC §57000.
8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

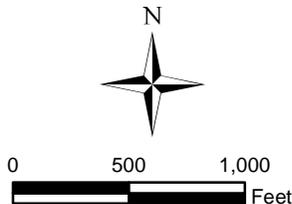
Figures:

- | | |
|----------|--------------------------------|
| Figure 1 | Site Location Map |
| Figure 2 | Aerial Photo |
| Figure 3 | Project Land Use Map |
| Figure 4 | Letter from the City of Tulare |
| Figure 5 | Available Housing Map |
| Figure 6 | Resolution |

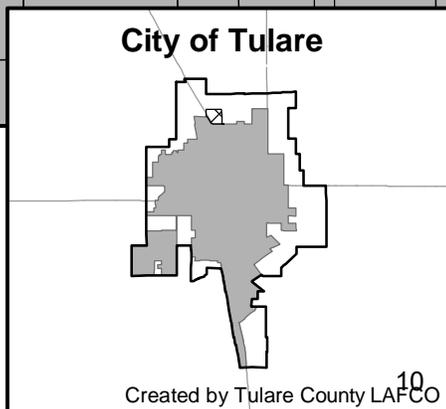
LAFCO Case 1547-T-166



-  Site Location 1547-T-166
-  Parcels
-  City of Tulare
-  Tulare SOI



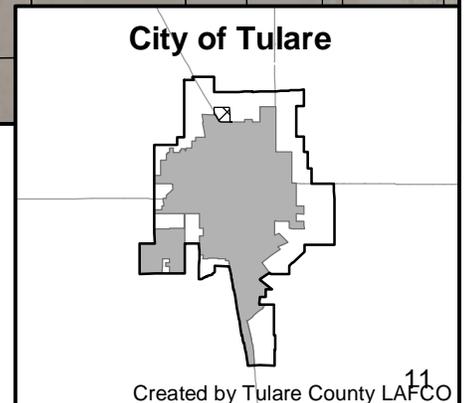
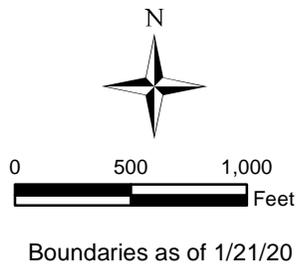
Boundaries as of 1/21/20



LAFCO Case 1547-T-166

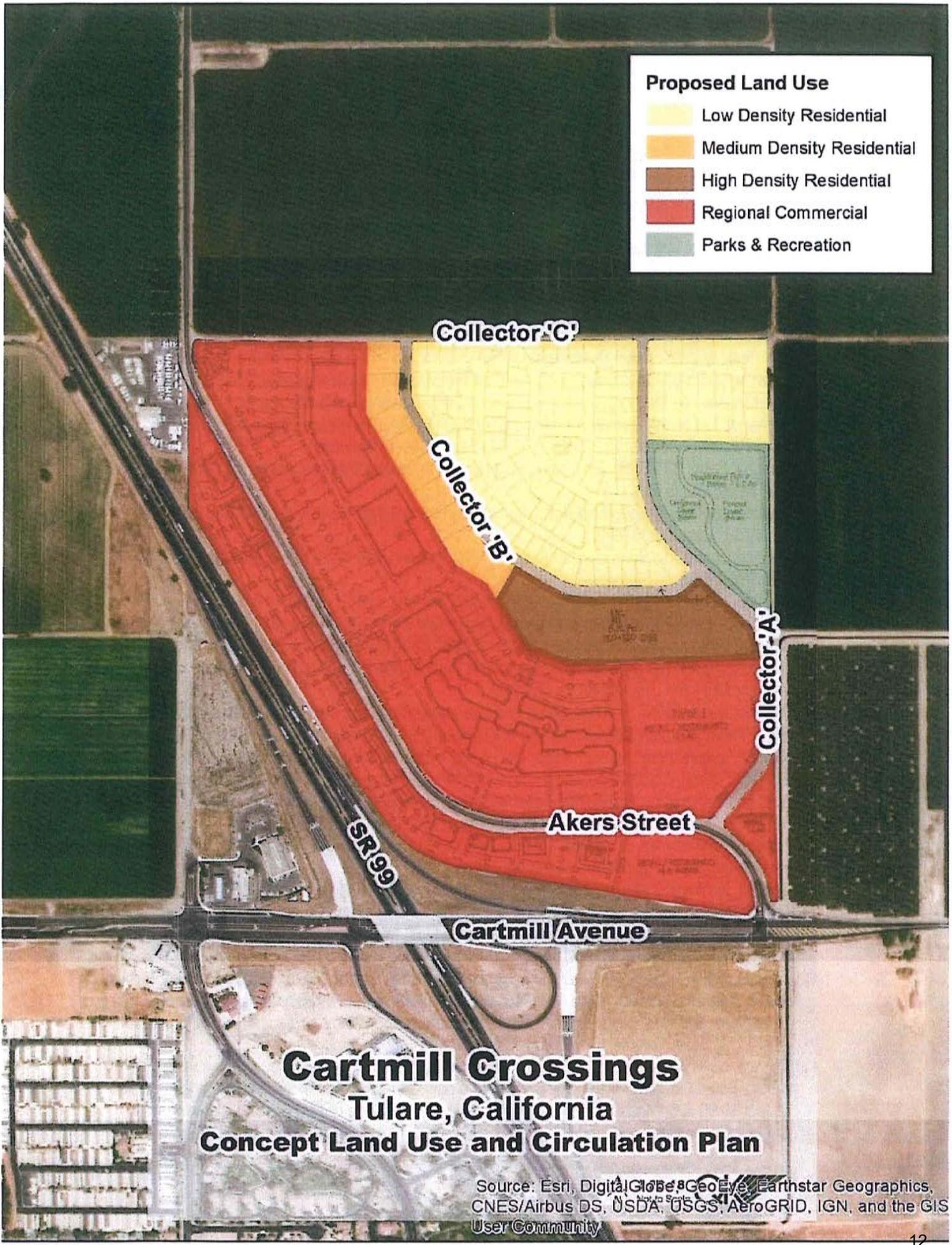


-  Site Location 1547-T-166
-  Parcels
-  City of Tulare
-  Tulare SOI



Proposed Land Use

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Commercial
- Parks & Recreation



Cartmill Crossings
Tulare, California
Concept Land Use and Circulation Plan

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



PUBLIC WORKS DEPARTMENT

February 24, 2020

Re: Matheny Sewer/Souls Mutual Water Status Update

To whom it may concern:

The purpose of this letter is to provide an update on the County and City efforts to work in conjunction with the County of Tulare in good faith to make sewer available to the residents of Matheny Tract and water available to the residents of Souls Tract through the County's pursuit of grants and other funding mechanisms to for all costs attributable to the extension of such services. These efforts regarding Matheny Tract are a result of the Certificate of Completion recorded on September 8, 2010 under Annexation 2007-03, LAFCO Case Number 1446-T-314.

Matheny Tract Sewer – At the request of Self Help Enterprises, the County, Leadership Counsel for Justice and Accountability, Provost & Pritchard, and City staff met about advancing the efforts to get sewer services to Matheny. At that meeting, SHE and the County agreed to search for grants to pay for the extension of services. The City of Tulare remains committed to accommodating Matheny Tract's waste at the City wastewater treatment facility. The City is also actively working with the County and SHE to identify a mutually acceptable route for future wastewater lines to travel from Matheny Tract to the wastewater facility. Provost & Pritchard is in the process of re-designing the plans to show a new route for the proposed sewer lines.

Souls Tract Water – In January 2019, the City and Souls Mutual Water Company entered into a consolidation agreement for water services. Souls is currently purchasing wholesale water from the City.

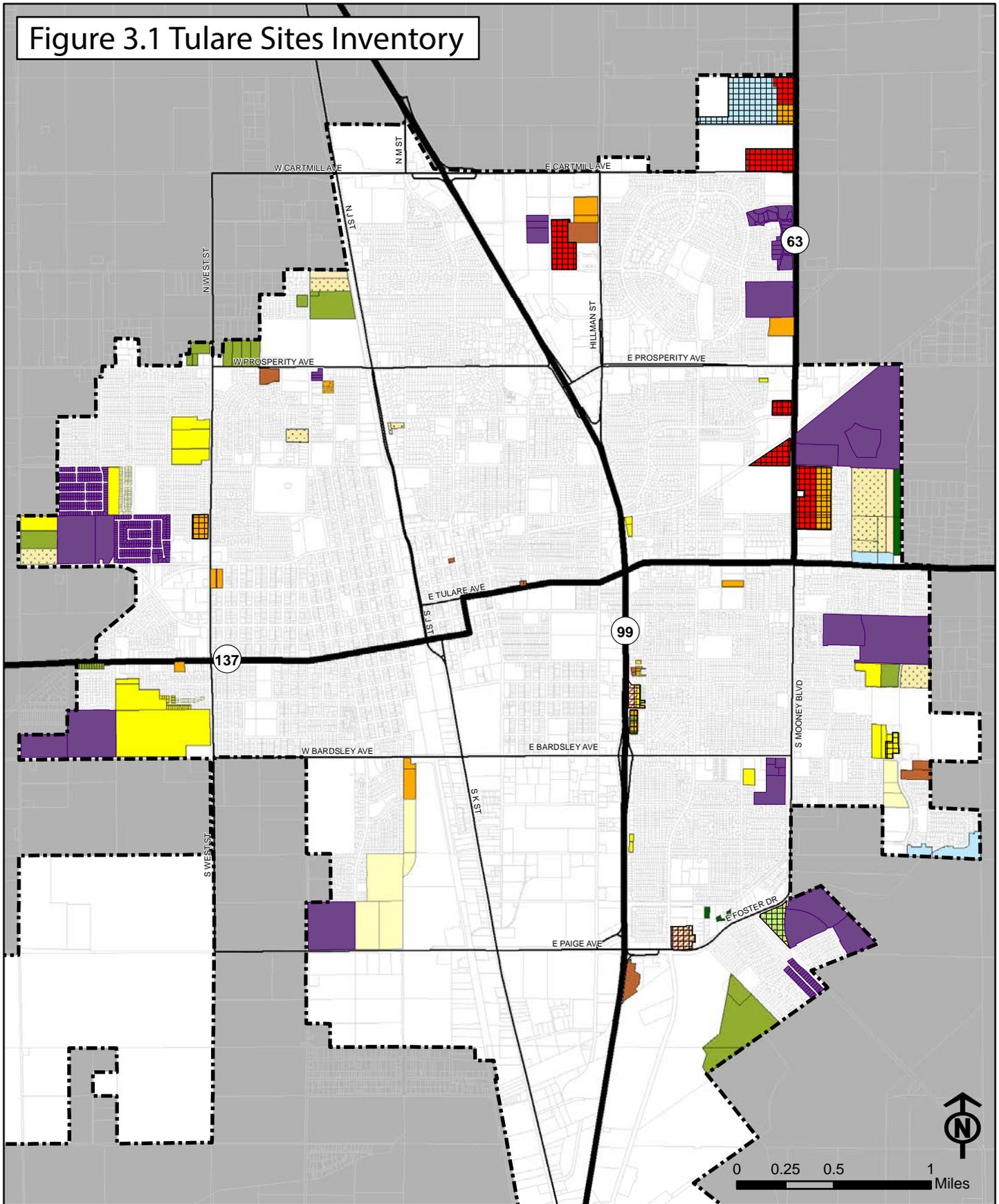
If you should have any questions, please feel free to contact me at (559) 684-4318 or twhitfield@tulare.ca.gov.

Sincerely,

Trisha Whitfield
Public Works Director

cc: Michael Miller, City Engineer
Traci Myers, Community & Economic Development Deputy Director

Figure 3.1 Tulare Sites Inventory



City Limits	Vacant Zoning C-2	C-5	PL	R-1-4	R-1-6	RA	RM3
Planned and Approved Projects	C-3	M-1	R-1-20	R-1-5	R-1-7	RM1	RM4
Potential Rezone Sites	C-1	C-4	M-2	R-1-12.5	R-1-5 (H)	R-1-8	UR

Source: City of Tulare (2015)

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

In the Matter of the Proposed Annexation)
To the City of Tulare and Detachment from)
Tulare Irrigation District and from CSA #1.)
LAFCO Case 1547-T-166, City of Tulare) **RESOLUTION NO. 20-XXX**
Tulare Annexation No. 2017-01)
(Cartmill Crossing))

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 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 Assessor and the Executive Officers report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on March 4, 2020 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 Assessor, and the report and recommendations of the Executive Officer

(including any corrections), have been received and considered in accordance with Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Tulare, as Lead Agency, filed an Environmental Impact Report in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Environmental Impact Report by the City of Tulare for this project and finds that the project will have significant impacts on the environment, and certifies that the Commission has considered the EIR SCH#2018111038 and adopts by reference the City's Findings and Statement of Overriding Considerations regarding the impacts to the environment.

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

XXXXXXX
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. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.
- b. The subject territory is within the Sphere of Influence of the City of Tulare.

- d. The proposed annexation does not contain any Williamson Act contract land.

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 are definite and certain and conform to lines of assessment.
- 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.

8. The Commission hereby waives the protest hearing proceedings in accordance with GC §56663 and orders the annexation without an election.

9. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The Certificate of Completion shall not be recorded until corrections are made to the map and legal description which make it sufficient for filing with the Board of Equalization
- c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE.

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

LAFCO Case No. 1547-T-166, City of Tulare Annexation No. 2017-01 (Cartmill Crossing)

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

12. The Executive Officer is hereby authorized and directed to sign the 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 foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting held on this 4th day of March, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 (559) 624-7274 FAX (559) 733-6720

COMMISSIONERS:
*Pete Vander Poel, Chair
Juliet Allen, V-Chair
Martha Flores
Dennis Townsend
Pamela Kimball*

ALTERNATES:
*Eddie Valero
Carlton Jones
Manny Gomes*

EXECUTIVE OFFICER:
Ben Giuliani

March 4, 2020

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Steven Ingoldsby, Staff Analyst

SUBJECT: LAFCO Case 1548-W-25a, Sphere of Influence Amendment for the City of Woodlake

Background

The City of Woodlake is requesting a Sphere of Influence (SOI) amendment which includes approximately 38 acres of land located west of the intersection of Cajon Avenue and State Route 245 adjacent to the City of Woodlake. The same area is included in a subsequent annexation proposal (Case #1548-W-25) for the City of Woodlake.

Discussion

The SOI amendment is needed to accommodate a portion of the proposed annexation in Case # 1548-W-25. The area is already served by the Woodlake Fire Protection District whose boundaries are very similar to the boundaries of the City of Woodlake but with some differences. The SOI amendment and subsequent annexation is intended to facilitate the development of a residential subdivision.

Notice of the public hearing for this proposal was provided in accordance with Government Code Sections 56427.

Environmental Impacts

The City of Woodlake is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. 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 how

often a MSR must be updated, other than as needed. Therefore, it is left to each LAFCO to establish review parameters. A MSR update for Woodlake was last adopted in August 2016. Per Policy C-5.1 a SOI amendment that is associated with a concurrent proposal for a change of organization is not subject to a MSR update.

Impact on Prime Agricultural Land, Agriculture and Open Space:

The parcels are not under Williamson Act contract or Farmland Security Zone contract.

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 rural residential and is anticipated to be developed with single family dwellings.

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

This area will need increased services, including planning, building, police and fire protection, water and sewer service. Fire protection will continue to be provided by the Woodlake Fire Protection District.

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

The City has adequate water and sewer capacity to serve the site. Other services which would be extended to this area would be funded primarily through the City General Fund, impact fees and user permit fees.

- (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.

Conterminous Annexation

The intent of the SOI amendment is to make the SOI boundary conterminous with the proposed annexation (LAFCO Case 1548-W-25). However, the Commission may choose to make adjustments to the proposed annexation boundaries. The final SOI boundary should be conterminous to the final annexation boundary, if approved by the Commission.

Recommendations:

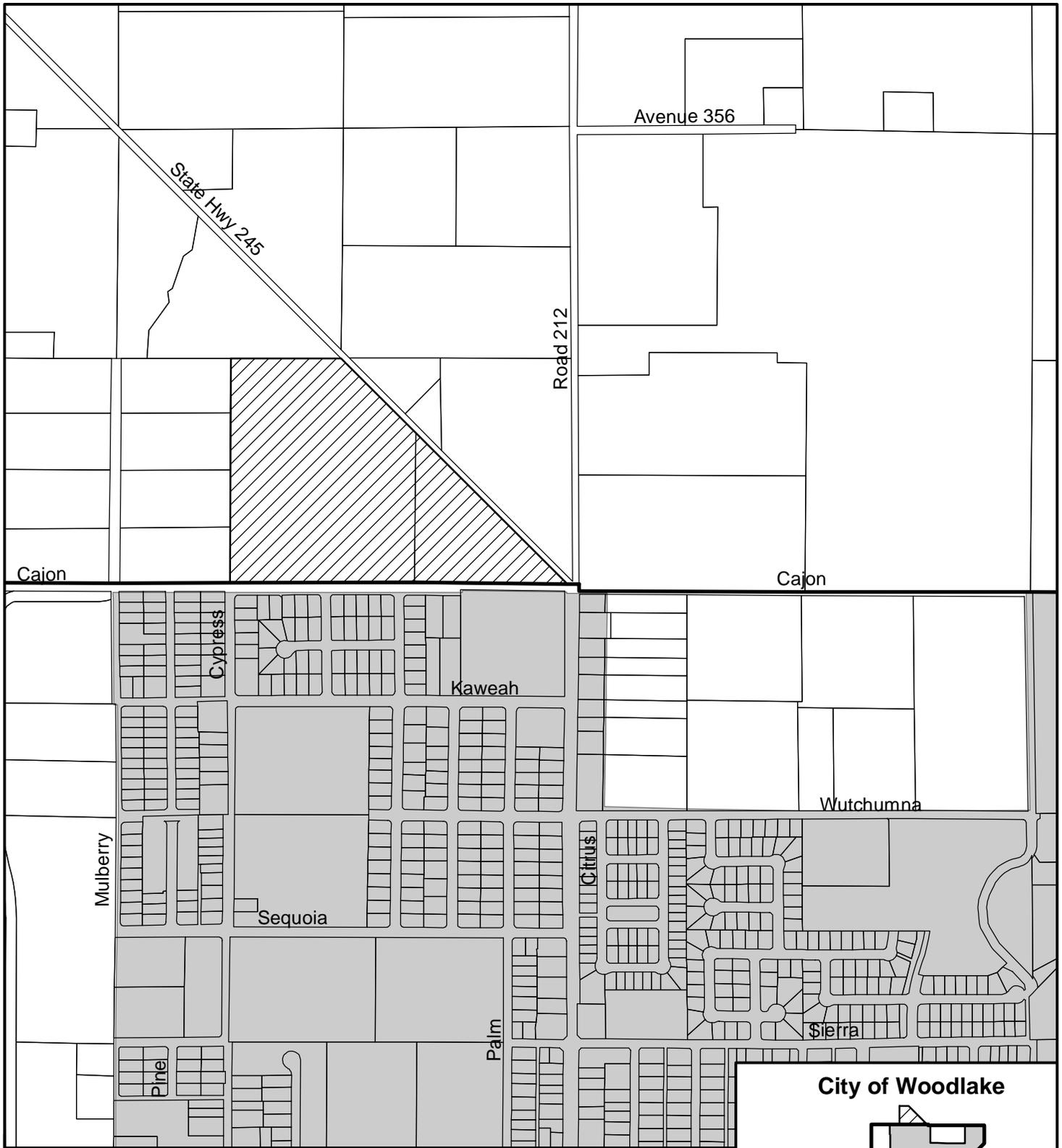
It is recommended that this SOI be approved and that the Commission take the following actions:

- A. Find that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Woodlake for this project and find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent.
- B. Adopt the written statement of determinations and find that the proposed City of Woodlake Sphere of Influence amendment complies with the GC §56425.
- C. Find that there are no Williamson Act contracts within the SOI amendment area.
- D. The SOI amendment is contingent on the approval of LAFCO Case 1548-W-25, City of Woodlake Reorganization Project.
- E. The SOI boundary shall be conterminous with the final boundary approved in LAFCO Case 1548-W-25.
- F. Approve the Sphere of Influence amendment to be known as LAFCO Case 1548-W-25a.

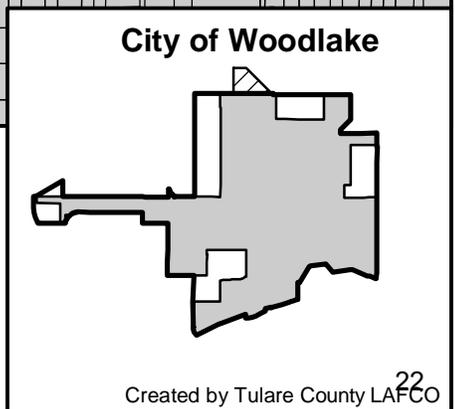
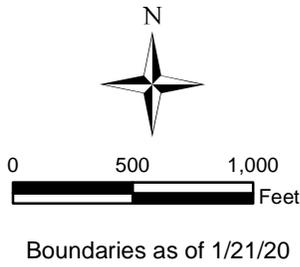
Figures & Exhibits

- Figure 1 Site Location Map
- Figure 2 Resolution

LAFCO Case 1548-W-25a



-  Site Location 1548-W-25a SOI
-  Woodlake SOI
-  Parcels
-  City of Woodlake



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

In the Matter of the Proposed Amendment to the)
City of Woodlake Sphere of Influence)
LAFCO Case No. 1548-W-25a) **RESOLUTION NO. 20-XXX**

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 March 4, 2020 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
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-5.1, this proposal is a SOI amendment that is associated with a concurrent proposal for a change of organization which is not subject to a MSR.

7. Pursuant to GC §56426.6, the Commission finds that the SOI amendment area contains no Williamson Act land.

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 rural residential and is anticipated to be developed with single family dwellings.

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

The area will need increased services, including planning, building, police and fire protection, water and sewer service. Fire protection will continue to be provided by the Woodlake Fire Protection District.

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

The City has adequate water and sewer capacity to serve the site. Other services which would be extended to this area would be funded primarily through the City General Fund, impact fees and user permit fees.

- (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 has reviewed and considered the Mitigated Negative Declaration prepared by the City of Woodlake for this project and finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent.

10. The Commission hereby finds that the proposed amendment to the City of Woodlake 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 City of Woodlake is hereby amended with the following condition:

- A) The SOI amendment is contingent on the approval of LAFCO Case 1548-W-25.

12. This SOI Amendment shall be known as LAFCO Case 1548-W-25a

13. The Executive Officer is hereby authorized and directed to sign and file the 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 foregoing resolution was adopted upon the motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held this 4th day of March, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

si

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

March 4, 2020

**LAFCO Case Number 1548-W-35
City of Woodlake Reorganization Project**

- PROPOSAL:** City of Woodlake Reorganization (annexation to Woodlake, detachment from CSA #1)
- PROPONENT:** The City of Woodlake by resolution of its City Council
- SIZE:** 54.4 acres
- LOCATION:** West of the intersection of Cajon Avenue and State Route 245 and an area between Cajon Avenue and Wutchumna Avenue east of Road 212. **(Figure 1)**
- NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.
- SUMMARY:** The annexation area is intended to facilitate a residential subdivision and clean up an area where the city boundary bisects parcel boundaries.
- APNs:** There are 10 parcels in the subject area. See attached assessor's report for a list of the APNs. **(Figure 2)**

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing (County)	Proposed (City)
Zoning Designation	AE-20	R-1-10 (Single Family) RA (Rural Residential) RN (Neighborhood Commercial)
General Plan Designation	Agriculture and Very Low Density Residential	Low Density Residential and Neighborhood Commercial
Uses	Olive Orchards and Rural Residential	Residential Development

B. Surrounding Land Uses and Zoning and General Plan Designations:

	Zoning Designation	General Plan Designation	Existing Use
North	Rural Residential and AE-20	Agriculture	Orchards
South	Residential	Low Density Residential	Residential
East	Rural Residential and M-1	Medium Density Residential	Orchards and Commercial
West	Rural Residential and Single Family Residential	Low Density Residential	Residential

C. Topography, Natural Features and Drainage

The site is generally flat and does not contain any natural topographical features.

D. Conformity with General Plans and Spheres of Influence:

A portion of the proposal area requires a Sphere of Influence amendment.

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

The parcels within the site are not under a Williamson Act or Farmland Security Zone contract.

3. Population:

There are a number of existing rural residential homes in the annexation area. The County Elections Division has indicated that there are more than 12 registered voters in the proposed annexation area. Therefore, pursuant to GC Section 56046, the annexation area is inhabited.

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 Woodlake	Property Tax / Development Fees
Fire Protection	Woodlake Fire Protection District	Woodlake Fire Protection District	Property Tax / Development Fees
Water Supply	Individual Wells and Woodlake City Water	Individual Wells and Woodlake City Water	Meter Charges
Sewage Disposal	Private Septic Tanks and Woodlake City	Private Septic Tanks and Woodlake City Sewer	Monthly Service Fees

	Sewer		
Street Lighting	Tulare County	City of Woodlake	Property Taxes
Street Maintenance	Tulare County / Caltrans	City of Woodlake / Caltrans	Property Taxes
Planning/Zoning	Tulare County	City of Woodlake	Property Taxes
Garbage Disposal	Tulare County Solid Waste Department	Mid Valley Disposal	Collection Fees

New residential developments will connect to City water and sewer services. The costs of these connections will be covered with development fees and ongoing services will be charged on meter readings. Residents will be charged monthly for trash service that is provided by the City’s contracted refuse hauler.

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 not yet been received. Staff is working with the applicant to finalize the map and legal description.

6. Environmental Impacts:

The City of Woodlake is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

7. Landowner Consent:

Signed consent to this annexation has not been received from all property owners. Notice was mailed to all landowners and registered voters within the reorganization area. 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 reconsideration period if the reorganization is approved.

8. Regional Housing Needs Assessment (RHNA):

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.

90 Single family units are proposed for development and are intended to serve the Moderate and Above Moderate income groups.

2014-2023 City of Woodlake RHNA

Very Low	Low	Moderate	Above Moderate	Total
71	41	69	191	372

9. Discussion:

Boundary Clean Up

The parcels located east of Road 212 are currently bisected by the city limits. This has produced a number of difficulties when residents attempt certain actions such as pulling a building permit. Adjusting the boundary for these parcels will improve the efficient delivery of public services for these residents by providing clarity in regards to who provides the service.

Residential Land Supply

The City of Woodlake currently has 87.1 acres of undeveloped residential land within the City. The City’s General Plan projects a growth rate between 1.59 percent and 2.15 percent. The city average of people per dwelling unit is approximately 3.86. Single family developments have approximately a gross density of 3.5 units per acre. If all the remaining 87.1 undeveloped acres were developed at 3.5 units/acre this would provide approximately 304 units for 1,173 residents. The General Plan provides a residential land needs evaluation, projecting a need of between 90 to 179 acres of additional residential land by 2028.

Sphere of Influence

The area north of Cajon Avenue is currently outside the Sphere of Influence boundary. Another case at this hearing, 1548-W-25a would amend the Sphere of Influence boundary to be coterminous with this proposed annexation.

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 Mitigated Negative Declaration prepared by the City of Woodlake for this project and find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.

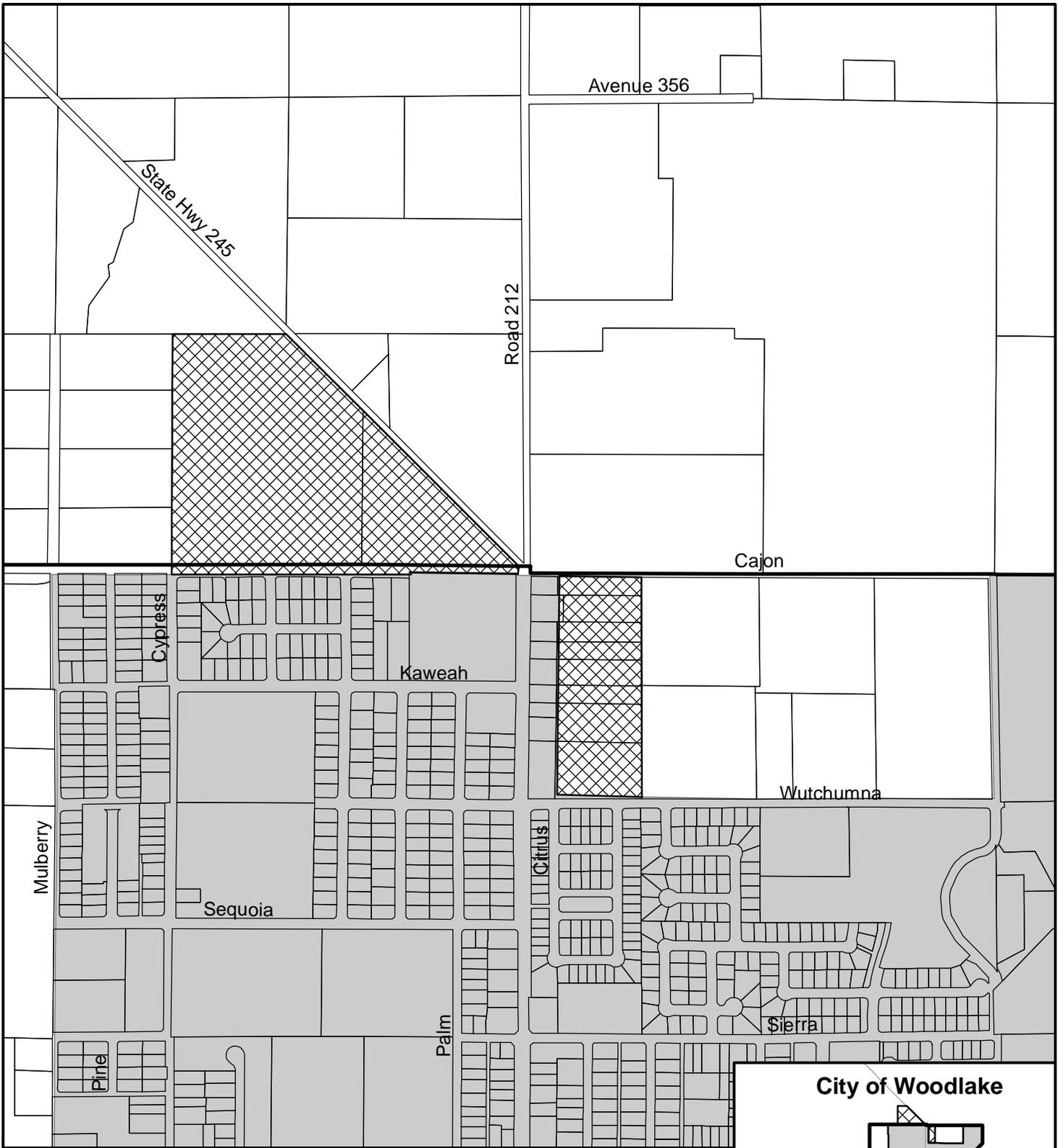
2. Find that the proposed reorganization of the City of Visalia complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, find that:
 - a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
 - 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 represents a logical and reasonable expansion of the annexing municipality.
4. Find that the annexation does not contain any Williamson Act contract land.
5. Approve the proposed reorganization, to be known as LAFCO Case Number 1548-W-25, City of Woodlake Reorganization Project 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 made to the map and legal description which make it sufficient for filing with the Board of Equalization.
 - c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE.
6. Waive the protest hearing for this proposal in accordance with subsection (c) of Government Code §56663 and order the reorganization without an election or if written protests are received prior to the conclusion of the public hearing, conduct the protest hearing pursuant to GC §57000.
7. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

Figures:

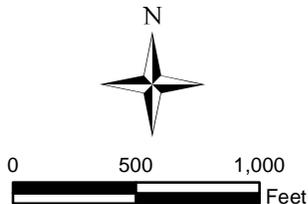
Figure 1 Site Location Map

Figure 2 Aerial
Figure 3 Assessor's Report
Figure 4 Resolution

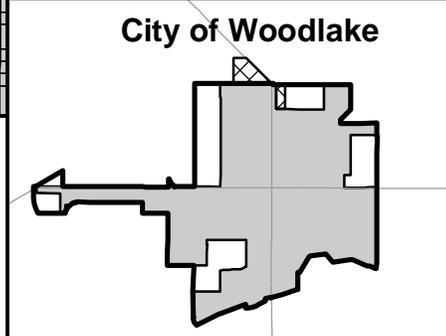
LAFCO Case 1548-W-25



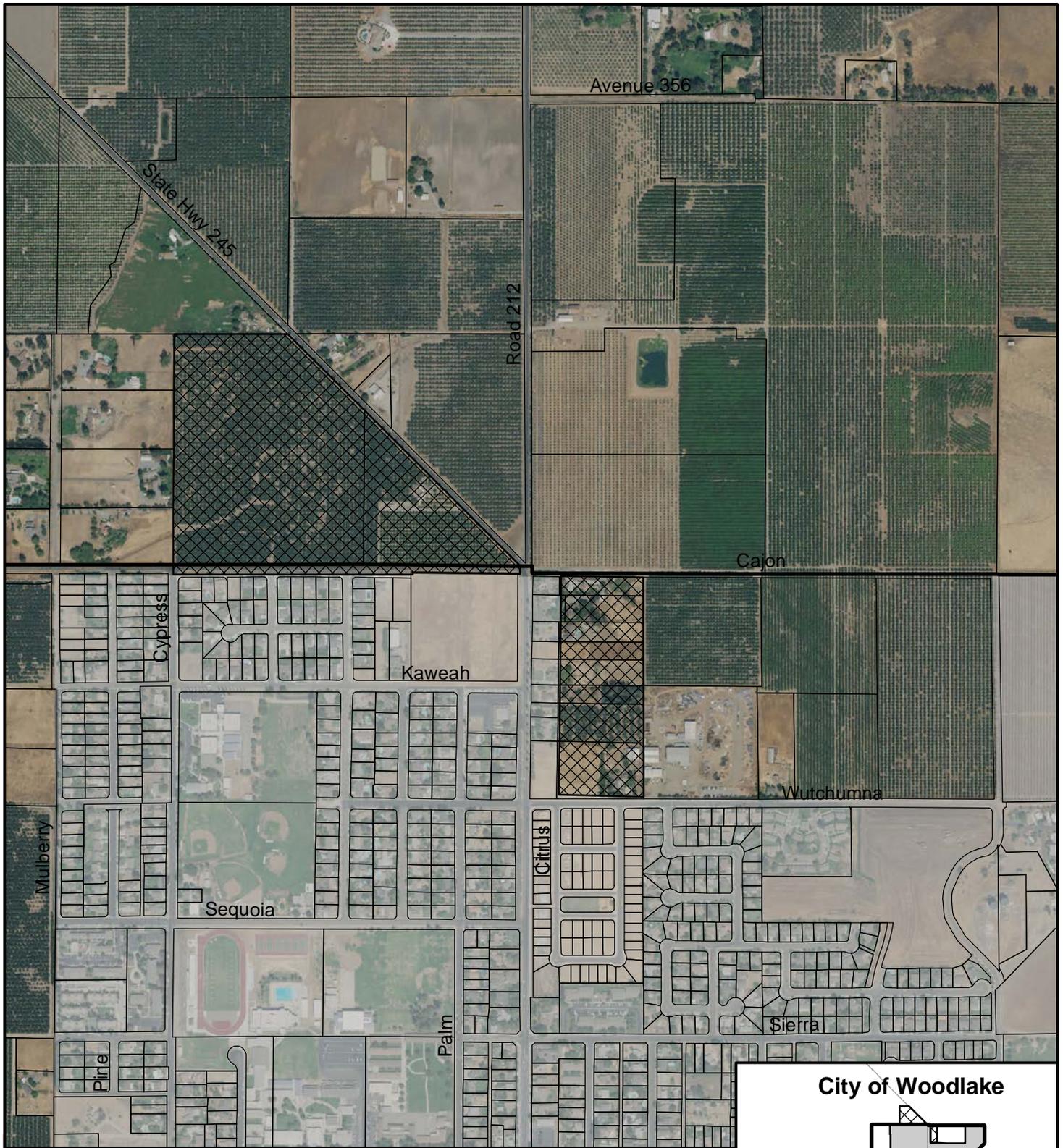
-  Site Location 1548-W-25
-  Woodlake SOI
-  Parcels
-  City of Woodlake



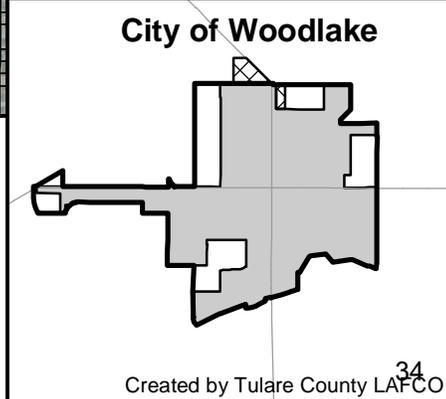
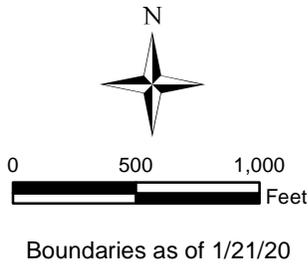
Boundaries as of 1/21/20



LAFCO Case 1548-W-25



-  Site Location 1548-W-25
-  Woodlake SOI
-  Parcels
-  City of Woodlake



ASSESSOR'S REPORT TO LAFCO & AUDITOR

[Pursuant to Section 56386 of Government Code]

LAFCO CASE NO.: 1548-W-25 & 1548-W-25A

PROPONENT: City of Woodlake

DESCRIPTIVE TITLE: LAFCO CASE #1548-W-25 AND 1548-W-25A. PROPOSED SPHERE OF INFLUENCE AMENDMENT, ANNEXATION TO THE CITY OF WOODLAKE AND DETACHMENT FROM CSA #1

1) Total Parcels Lying Entirely Within Proposed Boundaries: 10

057-060-028, 057-060-029, 061-010-008, 061-010-010, 061-010-011, 061-010-012, 061-010-013, 061-010-014, 061-010-015

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

None

3) a) Total Parcels in Aq Preserve and/or Contract: 0

None

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

N/A

4) a) Total Parcels Owned by Initiating Agency: 1

057-060-028

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: CFG

Date: 01/29/2020

END OF REPORT

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

In the Matter of the Proposed Annexation)
To the City of Woodlake and Detachment)
from CSA #1. LAFCO Case 1548-W-25,)
City of Woodlake Reorganization Project) **RESOLUTION NO. 20-XXX**

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 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 Assessor and the Executive Officers report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on March 4, 2020 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 Assessor, and the report and recommendations of the Executive Officer (including any corrections), have been received and considered in accordance with

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

2. The City of Woodlake, as Lead Agency, filed a Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Woodlake for this project and find although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.

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

XXXXXXX
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. More than 12 registered voters reside in the affected territory, which is considered inhabited.
- b. The subject territory is within the Sphere of Influence of the City of Woodlake.
- d. The proposed annexation does not contain any Williamson Act contract land.

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 are definite and certain and conform to lines of assessment.
- 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 represents a logical and reasonable expansion of the annexing municipality.

8. The Commission hereby waives the protest hearing proceedings in accordance with GC §56663 and orders the annexation without an election.

9. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The Certificate of Completion shall not be recorded until corrections are made to the map and legal description which make it sufficient for filing with the Board of Equalization
- c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE.

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

LAFCO Case No. 1548-W-25, City of Woodlake Reorganization Project

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

12. The Executive Officer to hereby authorized to sign and file a Notice of Determination with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner_____, seconded by Commissioner _____, at a regular meeting held on this 4th day of March, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

si

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

March 4, 2020

**LAFCO Case Number 1549-T-167
City of Tulare Annexation No. 2019-01 (Fernjo Estates)**

- PROPOSAL:** City of Tulare Reorganization (annexation to Tulare, detachment from Tulare Irrigation District and from CSA #1)
- PROPONENT:** The City of Tulare by resolution of its City Council
- SIZE:** 18.1 acres
- LOCATION:** East of Mooney Boulevard, approximately 1400 feet south of the intersection of Mooney Boulevard and Bardsley Avenue. **(Figure 1)**
- NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.
- SUMMARY:** The purpose for the annexation is to facilitate the development of 81 single family residential units.
- APNs:** 184-110-016, 184-110-017, 184-110-018

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing (County)	Proposed (City)
Zoning Designation	AE-20	R-1-6 – Single Family Residential
General Plan Designation	Agriculture	Low Density Residential
Uses	Agriculture, Rural Residential	Single Family Residential (81 units)

B. Surrounding Land Uses and Zoning and General Plan Designations:

	Zoning Designation	General Plan Designation	Existing Use
North	R-1-6	Low Density Residential	Single Family Residential
South	AE-20	Low Density Residential	Farmland, Rural Residential
East	AE-20	Low Density Residential	Farmland
West	R-1-6	Low Density Residential	Single Family Residential

C. Topography, Natural Features and Drainage

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 consistent with the City's General Plan and is within the City's Sphere of Influence.

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

The land is considered prime agriculture land Class I. The parcels are not under Williamson Act contract.

3. Population:

There are not more than 12 registered voters in the proposed annexation area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

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

Agency providing service

<i>Service</i>	<i>Now</i>	<i>After</i>	<i>Method of finance</i>
Police Protection	County of Tulare	City of Tulare	General Fund
Fire Protection	County of Tulare	City of Tulare	General Fund
Water Supply	Tulare Irrigation District / Individual Wells	City of Tulare	User Fees / General Fund
Sewage Disposal	None	City of Tulare	User Fees / General Fund
Street Lighting	None	City of Tulare	General Fund
Street Maintenance	County of Tulare/ City of Tulare	City of Tulare	General Fund
Planning/Zoning	County of Tulare	City of Tulare	General Fund
Strom Drainage	None	City of Tulare	General Fund

The City can provide all other urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services. A landscape and lighting district will be established along Mooney Boulevard, adjacent to the property

The properties in the proposal area are currently served by individual wells and septic tanks. The proposal could result in water use of 6,400 gallons of water per day. According to the City, it has adequate capacity to serve the development. The City's domestic wastewater treatment facility has a total capacity of 6.0 mgd with average flows currently at 4.15 mgd. The treatment facility has the available capacity to serve this project.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment. A map sufficient for filing with the State Board of Equalization has not yet been received. Staff is working with the applicant to finalize the map and legal description.

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	\$ 400,554
Improvements	\$ 118,805
Total	\$ 519,359

7. Environmental Impacts:

The City of Tulare is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

8. Landowner Consent:

Signed consent to this annexation has not been received from all property owners. Notice was mailed to all landowners and registered voters within the reorganization area. 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 reconsideration period if the reorganization is approved.

9. Regional Housing Needs Assessment (RHNA):

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.

81 single family units are proposed for development and are intended to serve the Moderate and Above Moderate income groups.

2014-2023 City of Tulare RHNA

Very Low	Low	Moderate	Above Moderate	Total
920	609	613	1,452	3,594

10. Discussion:

Prior Conditions of Approval

In the last annexation approved for the City of Tulare, the following condition of approval was included (Resolution 10-015):

F) The City shall continue to work with the Pratt Mutual Water Company in an effort to deliver potable water to the Matheny Tract Subdivision (this is predicated on Pratt Mutual's continued good-faith effort to work with the City). In addition, the City shall work in conjunction with the County of Tulare in good faith to make water and sewer service available through the pursuit of grants and other funding mechanisms.

The City now provides water to the Matheny Tract with the consolidation of the water systems being completed 2016. The City is engaged in discussions with

Tulare County and other stakeholders to identify a route for future wastewater lines to serve the Matheny Tract. See the attached letter from the City of Tulare (**Figure 3**).

Government Services

The adequacy of governmental service will be improved within the subject area. According to the City they are 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

Services which would be extended to this area, including police and fire safety services and development permit services, will be funded primarily through impact and permit fees by the property owner / developer. Once water and sewer services are extended, ongoing maintenance will be paid for from metering.

Detachment from the Tulare Irrigation District

Along with the annexation, the City also proposes to detach the site from the Tulare Irrigation District. This is normally proposed when immediate development of the annexation site is pursued and irrigation services will no longer be required.

Residential Land Supply

The City of Tulare currently has approximately 3.19 people per housing unit in the existing built city. If the 81 units are built and occupied at the current density rate, approximately 258 people may live in the proposed annexation area.

The City of Tulare has submitted another annexation proposal, 1547-T-166, which is scheduled to be heard at this same LAFCO meeting. This concurrent annexation anticipates approximately 342 units to be built.

No residential land has been annexed into the City since 2010. From 2010 to 2019, the City has added 2,051 housing units and 7,689 people per the Department of Finance. LAFCO staff will work with City staff to develop consistent residential land figures for future use for LAFCO's 10-year residential land supply analysis. Attached is a site map for available housing from the 2015 City of Tulare Housing Element.

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 Mitigated Negative Declaration prepared by the City of Tulare for this project and find that although the proposed project could have a significant effect on the environment, there will

not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.

2. Find that the proposed reorganization of the City of Tulare complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, find that:
 - a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
 - 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.
4. Find that the territory proposed for this annexation to the City of Tulare and detachment from the Tulare Irrigation District and from CSA #1 is uninhabited.
5. Find that the annexation does not contain any Williamson Act contract land.
6. Approve the reorganization as proposed by the City of Tulare, to be known as LAFCO Case Number 1549-T-167, City of Tulare Annexation 2019-01 (Fernjo Estates).
 - 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 made to the map and legal description which make it sufficient for filing with the Board of Equalization.
 - c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
7. Waive the protest hearing for this proposal in accordance with subsection (c) of Government Code §56663 and order the reorganization without an election or if

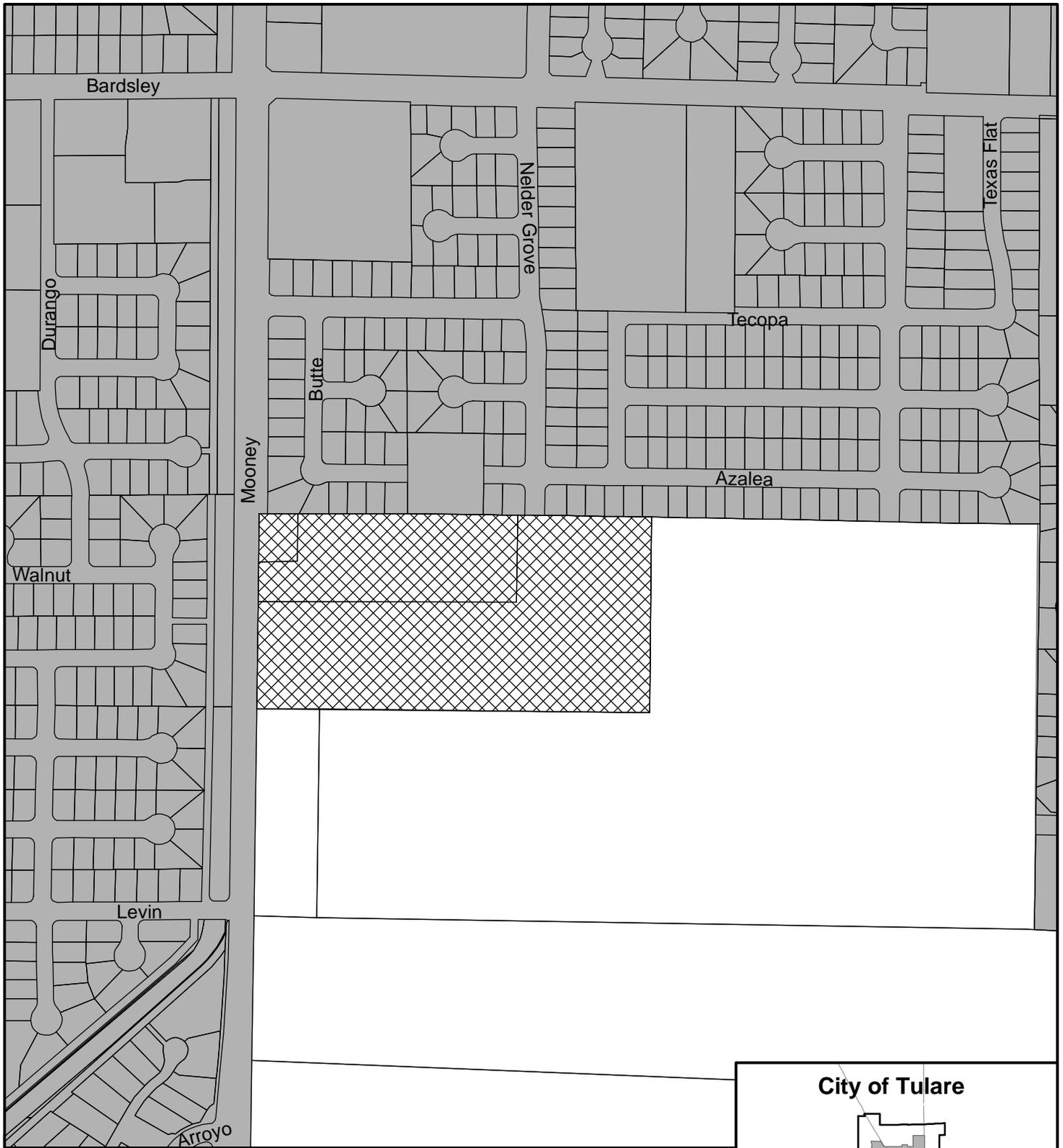
written protests are received prior to the conclusion of the public hearing, conduct the protest hearing pursuant to GC §57000.

8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

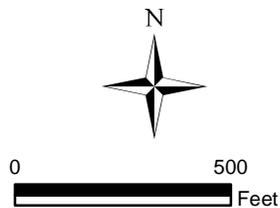
Figures:

- Figure 1 Site Location Map
- Figure 2 Aerial Map
- Figure 3 Letter from the City of Tulare
- Figure 4 Available Housing Map
- Figure 5 Resolution

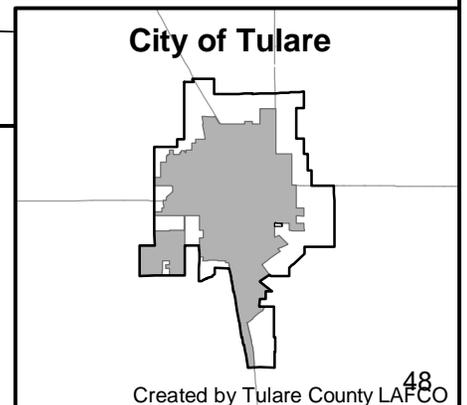
LAFCO Case 1549-T-167



-  Site Location 1549-T-167
-  Parcels
-  City of Tulare
-  Tulare SOI



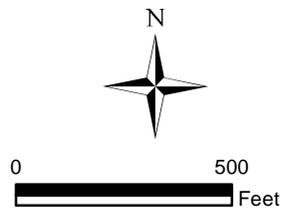
Boundaries as of 1/21/20



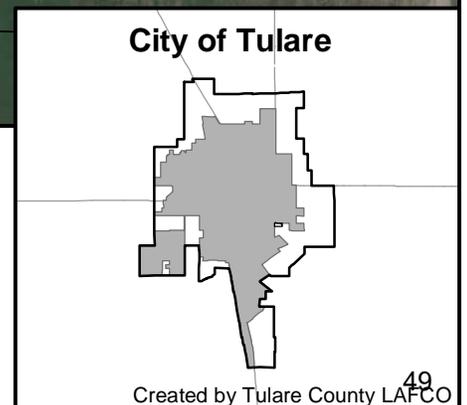
LAFCO Case 1549-T-167



-  Site Location 1549-T-167
-  Parcels
-  City of Tulare
-  Tulare SOI



Boundaries as of 1/21/20





PUBLIC WORKS DEPARTMENT

February 24, 2020

Re: Matheny Sewer/Souls Mutual Water Status Update

To whom it may concern:

The purpose of this letter is to provide an update on the County and City efforts to work in conjunction with the County of Tulare in good faith to make sewer available to the residents of Matheny Tract and water available to the residents of Souls Tract through the County's pursuit of grants and other funding mechanisms to for all costs attributable to the extension of such services. These efforts regarding Matheny Tract are a result of the Certificate of Completion recorded on September 8, 2010 under Annexation 2007-03, LAFCO Case Number 1446-T-314.

Matheny Tract Sewer – At the request of Self Help Enterprises, the County, Leadership Counsel for Justice and Accountability, Provost & Pritchard, and City staff met about advancing the efforts to get sewer services to Matheny. At that meeting, SHE and the County agreed to search for grants to pay for the extension of services. The City of Tulare remains committed to accommodating Matheny Tract's waste at the City wastewater treatment facility. The City is also actively working with the County and SHE to identify a mutually acceptable route for future wastewater lines to travel from Matheny Tract to the wastewater facility. Provost & Pritchard is in the process of re-designing the plans to show a new route for the proposed sewer lines.

Souls Tract Water – In January 2019, the City and Souls Mutual Water Company entered into a consolidation agreement for water services. Souls is currently purchasing wholesale water from the City.

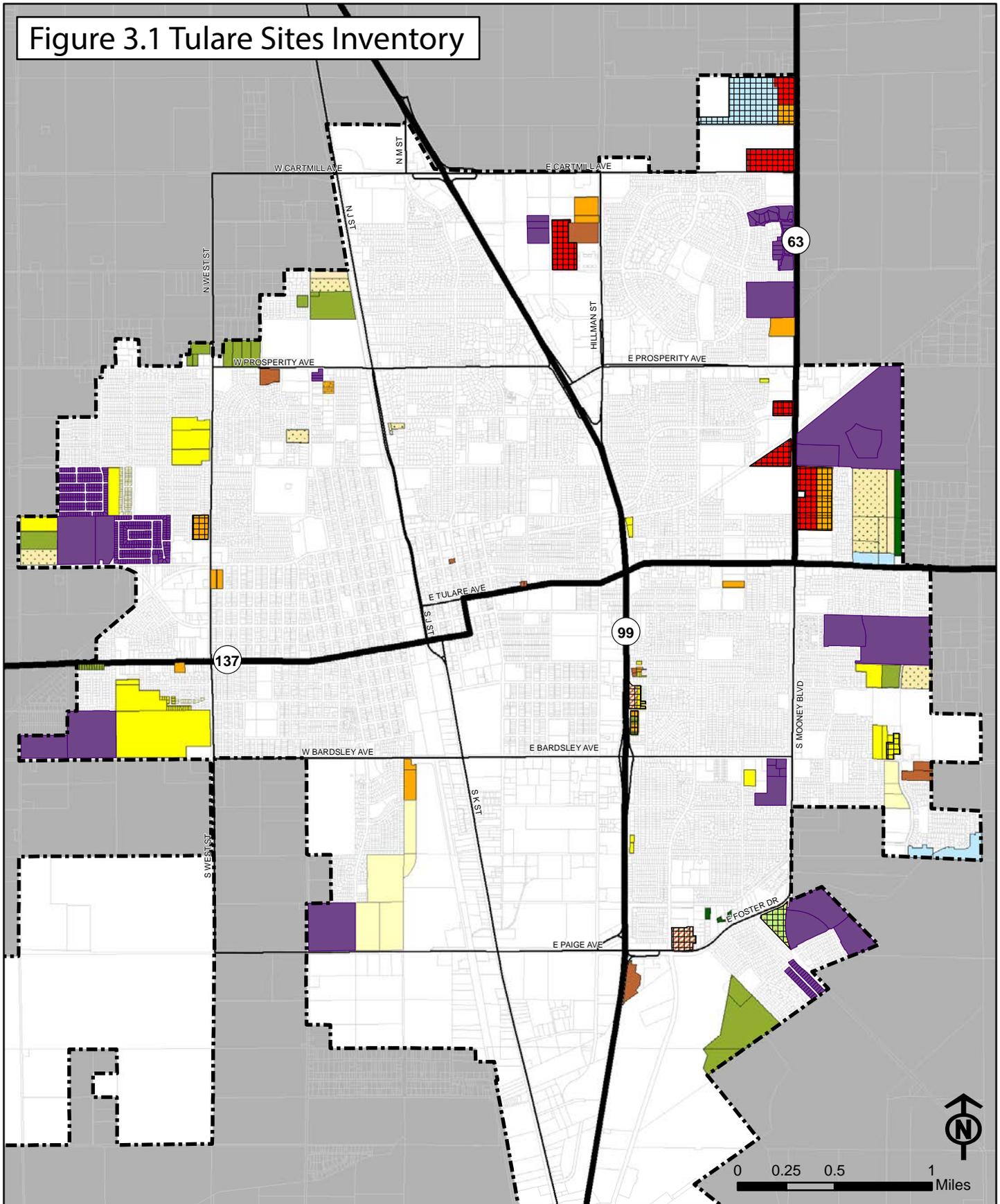
If you should have any questions, please feel free to contact me at (559) 684-4318 or twhitfield@tulare.ca.gov.

Sincerely,


Trisha Whitfield
Public Works Director

cc: Michael Miller, City Engineer
Traci Myers, Community & Economic Development Deputy Director

Figure 3.1 Tulare Sites Inventory



City Limits	Vacant Zoning C-2	C-5	PL	R-1-4	R-1-6	RA	RM3
Planned and Approved Projects	C-3	M-1	R-1-20	R-1-5	R-1-7	RM1	RM4
Potential Rezone Sites	C-1	C-4	M-2	R-1-12.5	R-1-5 (H)	R-1-8	UR

Source: City of Tulare (2015)

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

In the Matter of the Proposed Annexation)
To the City of Tulare and Detachment from)
Tulare Irrigation District and from CSA #1.)
LAFCO Case 1547-T-166, City of Tulare) **RESOLUTION NO. 20-XXX**
Tulare Annexation No. 2017-01)
(Cartmill Crossing))

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 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 Assessor and the Executive Officers report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

WHEREAS, on March 4, 2020 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 Assessor, and the report and recommendations of the Executive Officer

(including any corrections), have been received and considered in accordance with Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Tulare, as Lead Agency, filed an Environmental Impact Report in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Environmental Impact Report by the City of Tulare for this project and finds that the project will have significant impacts on the environment, and certifies that the Commission has considered the EIR SCH#2018111038 and adopts by reference the City's Findings and Statement of Overriding Considerations regarding the impacts to the environment.

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

XXXXXXX
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. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.
- b. The subject territory is within the Sphere of Influence of the City of Tulare.

- d. The proposed annexation does not contain any Williamson Act contract land.

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 are definite and certain and conform to lines of assessment.
- 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.

8. The Commission hereby waives the protest hearing proceedings in accordance with GC §56663 and orders the annexation without an election.

9. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The Certificate of Completion shall not be recorded until corrections are made to the map and legal description which make it sufficient for filing with the Board of Equalization
- c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the BOE.

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

LAFCO Case No. 1547-T-166, City of Tulare Annexation No. 2017-01 (Cartmill Crossing)

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

12. The Executive Officer is hereby authorized and directed to sign the 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 foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting held on this 4th day of March, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

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CALAFCO Legislative Report - February 26, 2020

AB 315 (Garcia, Cristina D) Local government: lobbying associations: expenditure of public funds.

Current Text: Amended: 1/6/2020 [html](#) [pdf](#)

Introduced: 1/30/2019

Last Amended: 1/6/2020

Status: 2/3/2020-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary:

Current law authorizes the legislative body of a local agency, defined as a county, city, or city and county, or a district, defined broadly to include other political subdivisions or public corporations in the state other than the state or a county, city and county, or city, to attend the Legislature and the Congress of the United States, and any committees thereof, and to present information regarding legislation that the legislative body or the district deems to be beneficial or detrimental to the local agency or the district. Current law also authorizes the legislative body of a local agency or a district to enter into an association for these purposes and specifies that the cost and expense incident to the legislative body's or district's membership in the association and the activities of the association are proper charges against the local agencies or districts comprising the association. This bill, with respect to moneys paid to or otherwise received by an association from a local agency or district member of the association, would prohibit an association of local agencies or districts from expending those moneys for any purpose other than the above-described activities and educational activities.

Position: Oppose

CALAFCO Comments: As gut and amended, this bill will have significant impact to CALAFCO in the uses of member LAFCo and certain Associate Member dues being limited to only direct educational activities or lobbying efforts (this means all administrative efforts not related to these two things including all travel not related to education or lobbying or public education campaign regarding LAFCo will have to cease). CALAFCO joined a coalition of stakeholders to oppose the bill ahead of the January 15 hearing date in ALGC which was cancelled by the author.

AB 1253 (Rivas, Robert D) Local agency formation commissions: grant program.

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/6/2019)

Summary:

This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

Position: Sponsor

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

CALAFCO Comments: This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending). The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCos whose decisions have been aligned with the goals of sustainable communities strategies.

We were unsuccessful in getting the \$1.5 M into the budget so the author has decided to make this a 2-year bill and try again in the next budget in a budget trailer bill.

AB 1389 (Eggman D) Special districts: change of organization: mitigation of revenue loss.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 2/3/2020-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary:

Would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill allows LAFCo, when approving a proposal for new or different functions or class of service for a special district, to propose the district provide payments to any affected local agency for taxes, fees or any other revenue that may have been lost as a result of the new service being provided.

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 7/5/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 7/5/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020)

Summary:

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board related responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

Position: Watch

Subject: Water

CALAFCO Comments: This bill would authorize a water or sewer system corporation to file an application and obtain approval from the PUC through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system. The bill would require the commission to approve or deny the app. Unless the commission designates a different procedure because it determines a consolidation warrants a more comprehensive review, the bill would authorize a water or sewer system corporation to instead file an advice letter and obtain approval from the commission through a resolution authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

AB 1850 (Gonzalez D) Employee classification.

Current Text: Amended: 2/14/2020 [html](#) [pdf](#)

Introduced: 1/6/2020

Last Amended: 2/14/2020

Status: 2/18/2020-Re-referred to Com. on L. & E.

Summary:

Current statutory law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the "ABC" test is met. Current law charges the Labor Commissioner with the enforcement of labor laws, including worker classification. Current law exempts specified occupations and business relationships from the application of Dynamex and these provisions. Current law instead provides that these exempt relationships are governed by the multifactor test previously adopted in the case of S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341. This bill would recast and reorganize those statutory provisions and would make nonsubstantive changes.

Position: Watch

AB 2093 (Gloria D) Public records: writing transmitted by electronic mail: retention.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 2/20/2020-Referred to Com. on JUD.

Calendar: 3/10/2020 9 a.m. - State Capitol, Room 437 ASSEMBLY JUDICIARY, STONE, MARK, Chair

Summary:

Would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail.

Position: Watch

Subject: Public Records Act

SB 272 (Morrell R) Fire Protection District Law of 1987.

Current Text: Amended: 4/4/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/4/2019

Status: 2/3/2020-Returned to Secretary of Senate pursuant to Joint Rule 56.

Summary:

The Fire Protection District Law of 1987 provides that whenever a district board determines that it is in the public interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the district, it may form one or more service zones by adopting a resolution that includes specified information, fixing the date, time, and place for public hearing on the formation of the zone, publishing notice, as specified, hearing and considering any protests to the formation of the zone at the hearing, and, at the conclusion of the hearing, adopting a resolution ordering the formation of the zone. If a resolution adopted after the public hearing would substantially expand the provision of services outside of an existing service zone and the extension of service would result in those persons in the expanded area paying charges for the expansion of services, this bill would provide that the resolution does not become effective unless approved by a majority of the voters within the expanded service area.

Position: Watch

CALAFCO Comments: As amended, the bill amends the Health & Safety code regarding the formation of zones within a fire protection district by requiring the district hold an election, regardless of the protest level, if the district wants to substantially expand (as defined in the bill) services outside the zone. This is unrelated to 56133. CALAFCO will retain a Watch position.

SB 414 (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 6/25/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 6/25/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/21/2019)(May be acted upon Jan 2020)

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Support

Subject: Water

CALAFCO Comments: This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

SB 928 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 2/12/2020-Referred to Com. on GOV. & F.

Summary:

This bill would enact the First Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Watch

CALAFCO Comments: This is the first of three annual validating acts.

SB 929 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 2/12/2020-Referred to Com. on GOV. & F.

Summary:

This bill would enact the Second Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Watch

CALAFCO Comments: This is the second of three annual validating acts.

SB 930 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 2/12/2020-Referred to Com. on GOV. & F.

Summary:

This bill would enact the Third Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Watch

CALAFCO Comments: This is the third of three annual validating acts.

SB 1052 (Hertzberg D) Water quality: municipal wastewater agencies.

Current Text: Introduced: 2/18/2020 [html](#) [pdf](#)

Introduced: 2/18/2020

Status: 2/19/2020-From printer. May be acted upon on or after March 20.

Summary:

Would establish municipal wastewater agencies and would authorize a municipal wastewater agency, among other things, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Position: Watch

Subject: Municipal Services, Special District Principle Acts

SB 1280 (Monning D) Drinking water: consolidation and extension of service: at-risk water systems.

Current Text: Introduced: 2/21/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Status: 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.

Summary:

Would authorize the State Water Resources Control Board to order consolidation between a receiving water system and an at-risk water system, as defined, upon receipt of a petition that substantially conforms to the specified-referenced policy adopted by the state board and that is either approved by the water system's governing body or signed by at least 30% of the households served by the water system. For purposes of that provision, the bill would authorize the state board to contract with a technical assistance provider or appoint an administrator to provide information to a community regarding the petition process, to assist with the preparation of a petition, or to evaluate whether a water system is an at-risk water system.

AB 213 (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/15/2019 [html](#) [pdf](#)

Introduced: 1/15/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/19/2019)(May be acted upon Jan 2020)

Summary:

Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Position: Support

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from 2018.

AB 818 (Cooley D) Local government finance: vehicle license fee adjustment amounts.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 2/3/2020-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Summary:

Current property tax law, for the 2006–07 fiscal year, and for each fiscal year thereafter, requires the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year, if specified provisions did not apply, and the product of the amount as so described and the percentage change from the prior fiscal year in the gross taxable valuation within the jurisdiction of the entity. Current law establishes a separate vehicle license fee adjustment amount for a city that was incorporated after January 1, 2004, and on or before January 1, 2012. This bill would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the first fiscal year of incorporation and for the next 4 fiscal years thereafter.

Position: Support

Subject: Financial Viability of Agencies

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for cities incorporating after 2018. This is the same bill as AB 2491 from 2018.

AB 1304 (Waldron R) Water supply contract: Native American tribes.

Current Text: Amended: 5/6/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/6/2019

Status: 7/12/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 5/29/2019)(May be acted upon Jan 2020)

Summary:

Current law provides for the establishment and operations of various water districts. This bill would specifically authorize a water district, as defined, to enter into a contract with a Native American tribe to receive water deliveries from an infrastructure project on tribal lands. The bill would repeal its provisions on January 1, 2025.

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: This bill amends the water code to allow a Native American tribe to sell/deliver water to a water district (as defined in the water code section 20200). The bill sunsets on January 1, 2025.

AB 134 (Bloom D) Safe Drinking Water Restoration.

Current Text: Amended: 5/20/2019 [html](#) [pdf](#)

Introduced: 12/5/2018

Last Amended: 5/20/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/12/2019)(May be acted upon Jan 2020)

Summary:

Would require the State Water Resources Control Board to report to the Legislature by July 1, 2025, on its progress in restoring safe drinking water to all California communities and to create an internet website that provides data transparency for all of the board's activities described in this measure. The bill would require the board to develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for all Californians.

Position: Watch
Subject: Water

AB 1053 (Dahle R) Fallen Leaf Lake Community Service District.

Current Text: Amended: 3/25/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Last Amended: 3/25/2019

Status: 7/12/2019-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/22/2019)(May be acted upon Jan 2020)

Summary:

Would prohibit, on and after January 1, 2020, the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection, including medical response and emergency services, and parks and recreation services or facilities.

Position: Watch

CALAFCO Comments: CALAFCO will watch this bill to determine if the outcome of the State Audit on this district will have an impact on all CSDs.

AB 1457 (Reyes D) Omnitrans Transit District.

Current Text: Amended: 5/24/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/24/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/25/2019)(May be acted upon Jan 2020)

Summary:

Would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and specified portions of the unincorporated areas of the County of San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district.

Position: Neutral

CALAFCO Comments: This is a special act district formation. The bill takes what is currently a JPA and transforms it into a special district. CALAFCO has been working with the author and sponsor on amendments and the May 24 version addresses the vast majority of concerns. CALAFCO continues to work with the author and sponsor on minor technical amendments.

AB 2148 (Quirk D) Climate change: adaptation: regional plans.

Current Text: Introduced: 2/10/2020 [html](#) [pdf](#)

Introduced: 2/10/2020

Status: 2/11/2020-From printer. May be heard in committee March 12.

Summary:

Current law establishes the Integrated Climate Adaptation and Resiliency Program, administered by the Office of Planning and Research, to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as specified. This bill would state the intent of the Legislature to enact legislation that would foster regional-scale adaptation, as specified; give regions a time to develop their regional plans, as specified; and consider, among other things, sea level rise and fire vulnerability.

Position: Watch

Subject: Climate Change

AB 2370 (Limón D) Ventura Port District: aquaculture plots: federal waters.

Current Text: Introduced: 2/18/2020 [html](#) [pdf](#)

Introduced: 2/18/2020

Status: 2/19/2020-From printer. May be heard in committee March 20.

Summary:

Would, notwithstanding the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, authorize the Ventura Port District, to the extent permitted by federal law, to construct, maintain, operate, lease, and grant permits to others for the installation, maintenance, and operation of aquaculture plots in federal waters off the coast of California in order to aid in the development or improvement of navigation or commerce to the port district.

Position: Watch

Subject: Special District Powers

AB 2629 (Maves I) Imperial Irrigation District: retail electric service.

Current Text: Introduced: 2/20/2020 [html](#) [pdf](#)

Introduced: 2/20/2020

Status: 2/21/2020-From printer. May be heard in committee March 22.

Summary:

Would require the State Energy Resources Conservation and Development Commission (Energy Commission), the Imperial County Local Agency Formation Commission, and the Riverside County Local Agency Formation Commission to meet to determine the sphere of influence of the Imperial Irrigation District and options for electrical service to the Coachella Valley at the end of a certain lease of electrical rights and would, on or before June 30, 2021, require the Imperial Irrigation District to submit any requested documents and information to the Energy Commission for these purposes. The bill would, on or before June 30, 2022, require the Energy Commission to submit a report to the Legislature on the determination and options, as specified.

Position: Watch

Subject: Service Reviews/Spheres

AB 3281 (Brough R) Worker status: independent contractors: business-to-business contracting relationship.

Current Text: Introduced: 2/21/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Status: 2/24/2020-Read first time.

Summary:

Current law exempts specified occupations and business relationships from the application of the “ABC” test, including a business-to-business contracting relationship, that meets specified requirements, including that a business is a “contracting business” if it demonstrates that it meets specified criteria. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously established in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would also include as a “contracting business” for purposes of a business-to-business contracting relationship, or business that subject to specified tax provisions relating to sale proprietorships on limited partnerships.

Position: Watch

AB 3312 (Gray D) Local agency formation: annexation: City of Merced.

Current Text: Introduced: 2/21/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Status: 2/24/2020-Read first time.

Summary:

Would authorize the annexation of territory comprising the main campus of the University of California, Merced, as specified, and any road strip, as defined, to the City of Merced, notwithstanding the requirement that the territory be contiguous with the city, if other conditions are met, including that the territory is within the city’s sphere of influence. The bill would prohibit the local agency formation commission from approving subsequent annexations to the territory specified in the bill unless the annexation is contiguous with that territory.

Position: Watch

Subject: Annexation Proceedings

AB 3338 (Diep R) Community services districts: zones.

Current Text: Introduced: 2/21/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Status: 2/24/2020-Read first time.

Summary:

The Community Services District Law authorizes the establishment of community services districts to provide various public facilities and services. That law establishes procedures for forming zones within specific areas of a community services district to provide different services, different levels of service, different facilities, or additional revenue. The law, among other things, requires a public hearing on the formation of a zone, at which the board of directors is required to hear protests of the formation of the zone, as specified. This bill would make nonsubstantive changes to this public hearing provision.

Position: Watch

Subject: Special District Powers

CALAFCO Comments: This is a pot bill.

SB 654 (Moorlach R) Local government: planning.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 2/3/2020-Returned to Secretary of Senate pursuant to Joint Rule 56.

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and the logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Position: Watch

CALAFCO Comments: This is a spot bill. The author indicates he has no plans to use this for LAFCo law.

SB 799 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.

Current Text: Introduced: 1/7/2020 [html](#) [pdf](#)

Introduced: 1/7/2020

Status: 1/15/2020-Referred to Com. on GOV. & F.

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law repeals this pilot program as of January 1, 2021. This bill would delete the January 1, 2021, repeal date with regard to the pilot program, thereby continuing its operation indefinitely.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: Originally created as a pilot program for San Bernardino and Napa LAFCos in 56133.5, the program is set to sunset January 1, 2021. This bill seeks to eliminate that sunset.

SB 931 (Wieckowski D) Local government meetings: agenda and documents.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 2/12/2020-Referred to Com. on GOV. & F.

Summary:

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a legislative body to email a copy of the agenda or a copy of all the documents constituting the agenda packet if so requested. By requiring local agencies to comply with these provisions, this bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it (current law requires the mailing of such documents upon request, this bill adds the option to email if requested).

SB 1096 (Caballero D) Water and sewer system corporations: consolidation of service.

Current Text: Introduced: 2/19/2020 [html](#) [pdf](#)

Introduced: 2/19/2020

Status: 2/20/2020-From printer. May be acted upon on or after March 21.

Summary:

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2020, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system.

Position: Watch

SB 1180 (Dahle R) Fallen Leaf Lake Community Services District: elections.

Current Text: Introduced: 2/20/2020 [html](#) [pdf](#)

Introduced: 2/20/2020

Status: 2/21/2020-From printer. May be acted upon on or after March 22.

Summary:

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding current law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified.

Position: Watch

SB 1386 (Moorlach R) Local government.

Current Text: Introduced: 2/21/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Status: 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This is a spot bill.