



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:
Julie Allen, Chair
Rudy Mendoza, Vice-Chair
Dennis Townsend
Pete Vander Poel
Vacant

LAFCO MEETING AGENDA

September 1, 2021 @ 2:00 P.M.

ALTERNATES
Eddie Valero
Fred Sheriff
Steve Harrell

EXECUTIVE OFFICER
Ben Giuliani

NOTE: This meeting will allow Board Members and the public to participate in the meeting via Teleconference, pursuant to the Governor’s Executive Order N-08-21 (June 11, 2021) available at <https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-08-21-signed.pdf>.

The toll free call-in number for this meeting is: 888-475-4499 | Meeting ID: 876 2737 6776 | Passcode: 399803

Executive Order N-08-21 requires agencies holding meetings via teleconferences to designate a publicly accessible location from which members of the public may observe and provide public comment. Although members of the public are encouraged to participate via teleconference, LAFCo has designated the following physical location for public participation:

BOARD OF SUPERVISORS CHAMBERS | COUNTY ADMINSTRATIVE BUILDING
2800 West Burrel Avenue
Visalia, CA 93291

I. Call to Order

II. Approval of Minutes from August 4, 2021 (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 and Continued Action Items

1. Sphere of Influence Amendment to the City of Porterville, Case 1560-P-323A
Continuance (Pages 03-14)
[Public Hearing - Continued] Recommended Action: Decision by the Commission

The City of Porterville has submitted a request for a Sphere of Influence amendment of approximately 26.4 acres of land located at the southwest corner of the intersection of Linda Vista Ave and N Newcomb St. This item was continued from the July 7, 2021 commission meeting for further study. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the City of Porterville.

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

2. Reconsideration Request for Annexation to the City of Porterville and Detachment from County Service Area #1, Case 1560-P-323 (Citrus Blossom Subdivision) **(Pages 15-56)**
[Public Hearing] Recommended Action: Decision by the Commission

A request for reconsideration was submitted for an annexation that was denied by the commission on July 7, 2021. The reconsideration area is approximately 12.29 acres of land located at the southwest corner of the intersection of Linda Vista Ave and N Newcomb St. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the City of Porterville

3. Review of Senate Bills 9 and 10 **(Pages 57-84)**
[No Public Hearing] Recommended Action: Decision by the Commission

Enclosed is information regarding SB 9 and SB 10. The Commission has been requested to review to consider taking a position on the bills.

4. Designation of Voting Delegate and Alternate for CALAFCO Conference **(No Page)**
[No Public Hearing] Recommended Action: Designate Delegate and Alternate

During each CALAFCO Annual Conference, voting delegates appointed by each member LAFCO vote on various CALAFCO policy and procedural matters and vote to elect nominees to the CALAFCO Board of Directors.

5. Cancellation of October 6th Meeting **(No Page)**
[No Public Hearing] Recommended Action: Cancel Meeting if no continued items

If neither of the Porterville cases are continued, then there would be no urgent items scheduled for the October 6th meeting. The next regularly scheduled meeting is November 3rd, 2021.

V. Executive Officer's Report

1. Legislative Update **(Pages 85-106)**
Enclosed is the CALAFCO legislative report.
2. Upcoming Projects **(No Page)**
The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO projects.

VI. Correspondence

1. Tevison CSD Designation Letter **(Pages 107-112)**
Enclosed is a letter from the State Water Resources Control Board responding to Tevison CSD regarding the process for the selection of a new administrator for the Tevison CSD water system.
2. SWRCB Letters to the City of Exeter and Tooleville Water System **(Pages 113-122)**
Enclosed are notices from the State Water Board which begin the 6-month voluntary consolidation process for the City of Exeter and Tooleville water systems.
3. CALAFCO Quarterly Report **(Pages 123-126)**
Enclosed is CALAFCO's 3rd quarterly report.

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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. October 6, 2021, or November 3, 2021 @ 2:00 P.M in the Tulare County Human Resources and Development Building, 2500 W. Burrel Ave., Visalia, CA 93291.

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

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

**2800 W. Burrel Ave., Visalia, CA 93291 – Tulare County Administrative Building
August 04, 2021 – Meeting Minutes**

Members Present: Allen, Townsend, Vander Poel
Members Absent: Mendoza
Alternates Present:
Alternates Absent: Valero, Harrell, Sheriff
Staff Present: Giuliani, Ingoldsby, & Kane recording
Counsel Present: Matt Pierce

I. Call to Order: Chair Allen called the meeting to order at 2:01 p.m.

II. Approval of the July 7, 2021 Meeting Minutes:

Upon motion by Commissioner Townsend and seconded by Commissioner Vander Poel, the Commission unanimously approved the LAFCO minutes.

III. Public Comment Period:

Chair Allen opened/closed the Public Comment Period at 2:03 p.m. No public comments received.

IV. New Action Items:

1. Annexation to the City of Visalia and Detachment from County Service Area #1 Case 1561-V-456 (Sycamore Heights)

Staff Analyst Ingoldsby reviewed the proposed annexation of approximately 24.75 acres to the City of Visalia. Staff Analyst Ingoldsby explained that the proposed area bisects an existing 60.51-acre county island. After discussion the Commission chose to include both remaining island segments as part of a condition of approval for the city to submit an application for annexation of the remainder of the island within one year from the recoding of the Certificate of Completion.

Chair Allen opened the Public Hearing at 2:17 p.m.

Mr. Bill Morgan, Developer with Morgan Enterprises Inc. spoke in support of the annexation.

Chair Allen closed the Public Hearing at 2:19 p.m.

Upon Motion by Commissioner Townsend and seconded by Commissioner Vander Poel, the Commission unanimously approved the annexation to the City of Visalia.

V. Executive Officer's Report

1. Legislative Update:

EO Giuliani discussed the legislative report and stated that there was nothing new from the previous month.

2. **Upcoming Projects:**

EO Giuliani stated the for the September LAFCO meeting he was expecting the reconsideration application for the Porterville annexation that had been declined at the July 7th LAFCo meeting.

VI. Correspondence:

1. **Tevison CSD Designation Letter**

EO Giuliani shared the notice received from the State Water Resources Control Board and noted that this was the first step of administrator process to the Tevison CSD.

2. **CALAFCO Annual Conference Preliminary Program**

EO Giuliani reported that the CALAFCO Annual Conference had been scheduled to be held in person October of 2021; up to two Commissioners were budgeted to attend and early bird registration would end at the end of August.

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 is scheduled for **September 1, 2021 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 2:32 p.m.



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Pete Vander Poel
Vacant*

ALTERNATES:
*Eddie Valero
Fred Sheriff
Steve Harrell*

EXECUTIVE OFFICER:
Ben Giuliani

September 1, 2021

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Steven Ingoldsby, Staff Analyst

SUBJECT: LAFCO Case 1560-P-323A, Continuance

Background

At the July 7, 2021 LAFCO meeting, the commission continued a decision on LAFCO Case 1560-P-323A. This was a request for a Sphere of Influence amendment that would accommodate a proposed annexation (LAFCO Case 1560-P-323) and included 3 additional lots to the south of the proposed annexation area.

QK on behalf of the property owner submitted a request for reconsideration for case 1560-P-323. The request for reconsideration and staff reports for the annexation proposal are included in another case at this hearing, 1560-P-323 Reconsideration Request.

Discussion

Though the proposed annexation was denied at the July 7, 2021 meeting, the commission chose to continue the sphere of influence amendment request and refer it back to staff and the city for further study, comment, and recommendations. As part of the discussion at the meeting, some commissioners expressed interest in potentially expanding the City of Porterville's Sphere of Influence to include four additional parcels to the west of the requested area but wanted more information from city staff before making a decision.

The City of Porterville has not yet studied the four additional parcels to the west to include as an expanded sphere of influence amendment, nor has the city council changed its original request. The reason this item is back before the commission is because of the request for reconsideration on the denied annexation.

The APNs of the four additional parcels to the west requested for further at the July 7, 2021 meeting are: 243-130-038, 243-130-039, 243-130-040 and 243-130-041. These parcels and the adjoining Right-of-Way total approximately 7.6 acres.

Options

Should the commission choose to annex the site in Case 1560-P-323, the commission would need to first amend the city's sphere of influence to accommodate the annexation area. The commission could amend the sphere of influence to be coterminous with the annexation area, to include the 3 parcels south of the annexation as requested by the applicant, or to also include 4 parcels to the west as suggested at the July 7, 2021 meeting. See **Figure 1**.

Should the commission choose to not annex the proposal area, the commission can still take action on the sphere of influence amendment. The commission could wait to take action on the sphere of influence amendment until the requested further study has been completed.

Required Determinations

Should the commission choose to amend the Sphere of Influence, GC §56425 (e) requires the Commission to consider and prepare a written statement of its determination with respect to certain factors prior to making a decision. Those determination are included in the staff report from the July 7, 2021 meeting as **Figure 2**.

Recommendations:

Consider an amendment to the City of Porterville's Sphere of Influence. Make the required determinations in conjunction with any amendment to the Sphere of Influence or continue the SOI amendment if the reconsideration request is denied.

Figures & Exhibits

Figure 1 Site Location and Potential Sphere of Influence Amendment Alignments
Figure 2 July 7, 2021 Staff Report and Attachments for Case 1560-P-323A

LAFCO Case 1560-P-323A





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 Fred Sheriff
 Steve Harrell*

EXECUTIVE OFFICER:
Ben Giuliani

July 7, 2021

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Steven Ingoldsby, Staff Analyst

SUBJECT: LAFCO Case 1560-P-323A, Sphere of Influence Amendment for the City of Porterville

Background

The City of Porterville is requesting a Sphere of Influence (SOI) amendment which includes approximately 26.4 acres of land located at the southwest corner of the intersection of Linda Vista Avenue and North Newcomb Street (**Figure 1**). The site comprises a 12.29 acre annexation proposal area of subsequent Case 1560-P-323 as well as 3 additional parcels located south of the annexation proposal area. The affected APNs are 243-130-004, 243-130-006, 243-130-007, and 243-130-042.

Discussion

The SOI amendment is needed to accommodate the proposed annexation in Case 1560-P-323. The SOI amendment and subsequent annexation are intended to facilitate the development of a 50-lot residential development and 0.43 acre park.

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

Environmental Impacts

The City of Porterville 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 and a Mitigation Monitoring and Reporting Program (MMRP) were approved for use with this proposal. A copy of those document is included in the application materials.

The initial study only covered the proposal area for the annexation. The inclusion of the three southerly parcels in the SOI amendment does not add any additional environmental impacts because there are no proposed or anticipated projects within those parcels. Any future

development or annexation proposals for the 3 southerly parcels would require additional environmental review.

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 Porterville was last adopted in 2014. 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 for in the proposed Sphere of Influence amendment are not under Williamson Act contract or Farmland Security Zone contract.

County Adopted City Urban Development Boundary

The City of Porterville and Tulare County in a settlement agreement made in April 2014 have agreed to set the County Adopted City Urban Development Boundary (CACUDB) to be coterminous with the City's SOI adopted by Tulare LAFCO. Per the agreement IV.a.i.1 LAFCO action on the City's SOI Amendment Application is a condition precedent to the County's obligation to amend the CACUDB for Porterville.

Coterminous Annexation

The City has stated that it wants to include 3 southerly parcels between the annexation area and the existing city limits to consolidate the area under one jurisdiction's planning area to streamline future development. Additionally, the City has stated an interest in avoiding the potential approval of new development that may hinder the future circulation planned in this area. The City has cited a past experience where a home in the County was constructed in such a manner that prevented the northerly prolongation of Leggett Street north of Grand Avenue as an example.

The Commission may choose to make adjustments to the proposed SOI amendment boundaries. The Commission could choose to make the SOI amendment coterminous with the proposed annexation (LAFCO Case 1560-P-323) which would still allow for subsequent annexation of the site. The final SOI boundary could be coterminous to the final annexation boundary or could include the 3 southerly parcels as requested by the City of Porterville, if approved by the Commission.

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 used for agricultural production and for 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.

(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 through the City General Fund, applicant and developer fees, and user 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.

(5) The present and probable need for those public facilities and services (sewer service, municipal and industrial water or structural fire protection) of any disadvantaged unincorporated communities within the existing sphere of influence.

There are no adjacent disadvantaged unincorporated areas (DUCs) adjacent to the proposed SOI amendment. DUCs in other areas of the SOI are addressed in the MSR for the City of Porterville.

Recommendations:

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

- A. Find that the Commission has reviewed and considered the Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program prepared by the City of Porterville 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 and that the inclusion of the three southerly parcels does not add any additional environmental impacts

- B. Adopt the written statement of determinations and find that the proposed City of Porterville 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 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision).
- E. Approve the Sphere of Influence amendment to be known as LAFCO Case 1560-P-323A.

Figures & Exhibits

Figure 1 Site Location Map
Figure 2 Resolution

LAFCO Case 1560-P-323 & 1560-P-323a

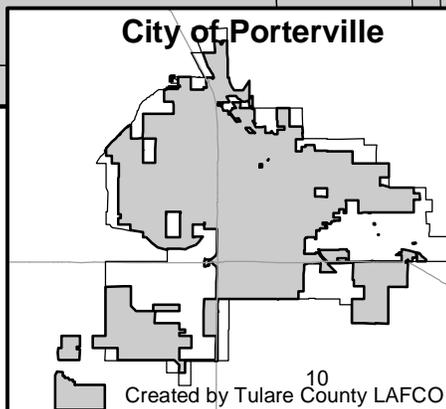


Legend:

- City of Porterville
- Porterville Sphere of Influence
- Site Location 1560-P-323
- SOI Amendment 1560-P-323a
- Parcels

0 165 330 660 Feet

Boundaries as of 5/19/21



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 Porterville Sphere of Influence)
LAFCO Case No. 1560-P-323A) **RESOLUTION NO. 21-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 July 7, 2021 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 used for agricultural production and for 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.

- (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, applicant and developer fees, and user 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.

- (5) *The present and probable need for those public facilities and services (sewer service, municipal and industrial water or structural fire protection) of any disadvantaged unincorporated communities within the existing sphere of influence.*

There are no adjacent disadvantaged unincorporated areas (DUCs) adjacent to the proposed SOI amendment. DUCs in other areas of the SOI are addressed in the MSR for the City of Porterville.

9. The City of Porterville, as Lead Agency, filed a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act (CEQA). The Commission has reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by the City of Porterville 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. The inclusion of the three southerly parcels that are not subject to development in the SOI will have no additional environmental impacts.

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

A) The SOI amendment is contingent on the approval of LAFCO Case 1560-P-323.

12. This SOI Amendment shall be known as LAFCO Case 1560-P-323A

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 7th day of July, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer



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ALTERNATES:
Eddie Valero
Fred Sheriff
Steve Harrell

EXECUTIVE OFFICER:
Ben Giuliani

September 1, 2021

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Steven Ingoldsby, Staff Analyst

SUBJECT: LAFCO Case 1560-P-323, Reconsideration Request

Background

Government Code (GC) section (§) 56895 requires a 30-day period after a commission has adopted a resolution making determinations where any person or affected agency may file a reconsideration request with the executive officer requesting amendments to or reconsideration of the resolution. QK, on behalf of the property owner, submitted a request (**Figure 1**) for the reconsideration of the commission's denial of LAFCO Case 1560-P-323. The reconsideration process is included in **Figure 2**.

At the July 7, 2021 LAFCO meeting, the commission denied LAFCO Case 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision) on a 4-0 vote. The proposal site was approximately 12.29 acres located at the southwest corner of the intersection of Linda Vista Avenue and North Newcomb Street. The proposal was intended to facilitate a 50-lot single family residential subdivision. The original staff report and attachments for the proposed annexation are included as reference in **Figure 3**.

At the same meeting, the commission continued a decision on LAFCO Case 1560-P-323A, which was a request for a Sphere of Influence amendment that would accommodate the proposed annexation and included 3 additional lots to the south of the proposed annexation area. The commission also included the consideration of adding an additional four parcels in the SOI to the northwest of the proposal. The staff report for the sphere of influence amendment is included with another case in this agenda, Case 1560-P-323A.

Discussion

The process and requirements for reconsideration are found in GC §56895 (Figure 2). The request for reconsideration from QK was received within 30 days of the adoption of the commission's resolution in accordance to GC §56895(b). The reconsideration request also specifically identifies the modifications to the commission's resolution in accordance to GC §56895(b) Notice of the public hearing for this reconsideration request was provided in accordance with GC §56895(e).

The key provision for the review of a reconsideration request is included in GC §568959(a):

The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration.

After reviewing the request for reconsideration, the commission first needs to determine if the request meets the criteria of providing new or different facts that could not have been presented previously. If so, the commission would then need to determine if the new or different information persuades the commission to change its July 7, 2021 decision. This gives the commission two options.

Option 1.

The commission reviews the request for reconsideration and determines that either the request for reconsideration does not meet the criteria of providing new or different facts that could not have been presented previously, or that the new or different facts do not persuade the commission to change its decision. The commission denies the request and no new resolution making determinations is needed. A resolution memorializing the denial is included as **Figure 4**.

Option 2.

The commission determines that the request for reconsideration meets the criteria of providing new or different facts that could not have been presented previously. The commission then determines that the new or different information is persuasive and approves the annexation request. The commission adopts a resolution (**Figure 5**) making determinations that supersedes the previous resolution (**Figure 6**).

SOI Amendment

If the commission selects option 2, the commission would also need to amend the Sphere of Influence for the City of Porterville to accommodate the annexation. At the July 7, 2021 meeting the Commission was presented with options for a sphere of influence amendment that included three parcels south of the annexation proposal area (as requested in the application) and an option for a coterminous sphere of influence amendment. The commission also discussed an option to expand the sphere of influence even further to include four parcels to the west of the proposal area. The vote on the sphere of influence amendment was continued and the City of Porterville was asked to look at potentially expanding the boundary to include several parcels to the west of the proposal area. To date, the City of Porterville has not changed its SOI amendment request.

Recommendations:

Consider the request for reconsideration and select Option 1 or Option 2. If Option 2 is selected, amend the City of Porterville's Sphere of Influence to accommodate the annexation area and adopt the attached resolution.

Figures & Exhibits

| | |
|----------|--|
| Figure 1 | Request for Reconsideration |
| Figure 2 | Reconsideration Process |
| Figure 3 | Staff Report and Attachments for Case 1560-P-323 |
| Figure 4 | Resolution (Denial) |
| Figure 5 | Resolution (Approval) |
| Figure 6 | Resolution 21-015 |



August 6, 2021

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

Subject: Request for Reconsideration of LAFCO Case 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision)

Dear Mr. Giuliani:

Per Cortese-Knox-Hertzberg Section 56895, please accept this letter as a written request to reconsider Resolution No. 21-015 making determinations on LAFCO Case 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision). This written request is being made on behalf of Mr. Bitta Toor, the property owner of the roughly 12-acre site proposed for annexation. We specifically request modification to the Commission's decision to deny the annexation and request that, after the annexation request is reconsidered, the resolution be revised with the Commission approving the annexation and making the required findings of LAFCO Policy and Procedures Section C-1, determining that:

- a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
- b. The proposed annexation is compatible with the City's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the City has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the City and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. All urban services and infrastructure can be provided for by the City.

We also request that the Sphere of Influence Amendment that was continued at the July 7th meeting be approved so that the Porterville Sphere of Influence includes Mr. Toor's property. This area has been appropriately planned in the Porterville General Plan and should be included in their Sphere so that the City can provide services to the new and existing residents that need these services to remain healthy and safe over the long term.

The remainder of this letter will state the new or different facts that were not presented previously that warrant reconsideration of the Commission's July 7th decision. References to statements made at the July 7th hearing are based on the official recording of the hearing.

City General Plan

Although it was stated correctly in the LAFCO staff report, there were comments made at the hearing after the staff report was presented that incorrectly stated that the development project might not be consistent with the City's General Plan. It can be clearly concluded from reviewing the City's General Plan that the proposed development is indeed consistent with the General Plan. The Porterville General Plan designates the site for Low Density Residential development. As the General Plan states, the Low Density Residential designation "represents typical single-family subdivisions. The maximum residential density is 6.0 units per gross acre." The development project approved by the Porterville City Council is for a single-family residential subdivision at a density of 4.3 units per acre.

The staff report provided to the Porterville City Council on October 6, 2020, stated:

The proposed land division and subsequent development of the site into a residential subdivision will provide much needed housing in conformance with the City's General Plan Land Use and Housing Elements, as well as to help meet the City's Regional Housing Needs Allocation quota. Staff and the applicants' agents have worked through the design details to ensure adherence to the General Plan and Development Ordinance, as well as to ensure compliance with the California Subdivision Map Act and applicable codes.

The entire area surrounding the annexation site is also designated Low Density Residential. The fact that several landowners chose to subdivide at a much lower density does not then somehow take away other landowner's rights to develop at a density that consistent with the General Plan designated density range. With the State Legislature's adoption of SB 330 in 2019 (discussed further below), a city or county is required to approve a housing development that is consistent with their general plan. State law no longer allows discretion when it comes to general plan consistency. Residential projects consistent with a general plan must be approved, as a matter of law.

It was noted at the hearing that the City approved a zone change from RS-1 to RS-2 when they also approved the development project. This was because the RS-1 zone is not a compatible zone with the Low Density Residential land use designation in the General Plan. When zoning is inconsistent with a general plan, it is the zoning that must be changed, not the other way around. The Porterville City Council acted properly by approving a zone change that made zoning consistent with their General Plan.

The point that the Porterville City Council really had no choice but to approve a zone change so that it would be consistent with their General Plan was a fact that was not presented at the LAFCO hearing.

County General Plan

The County adopted a community plan for the Porterville area in 2014 (GPA 14-008, Porterville Area Community Plan), which is a part of the Tulare County General Plan. That Plan also designated the annexation site for Low Density Residential development. The County's Plan allows residential densities up to six units per acre. Policy LU-I-10 of the Porterville Community Plan states that the County should, "Amend the Zoning and Subdivision Ordinances to include: Minimum lot sizes and densities consistent with the Plan's land use classifications." The County zoning of the annexation site is R-A-43, which limits development to a minimum of one-acre lots. Since the County's General Plan allows up to six units per acre, the County's R-A-43 zone for the site is inconsistent with the County's General Plan, and the County has yet to remedy the situation by implementing Policy LU-I-10 to change the zoning to be consistent with the General Plan.

It is clear that both the City and County General Plans declare that this area is meant for Low Density Residential development, not Very Low Density Residential development as was approved in prior years. It appeared from the statements made at the July 7th hearing that some on the Commission relied upon the assumption that the proposed development was too dense for this neighborhood in denying the annexation. This appears to be different fact what is actually the case. Both the City and the County General Plans encourage, promote, and designate, through their land use authority, higher densities (up to six units per acre) than what has been built in the past.

SB 330

Senate Bill 330, the Housing Crisis Act of 2019, became a State law on January 1, 2020. The COVID pandemic has overshadowed discussion of this new law, which significantly changes how local agencies can approach the review and approval process for new housing developments. Cities and counties are now prohibited from down-zoning residential property unless they up-zone other property so there is no net loss in residential density. If zoning limits a site to a lower residential density than the General Plan, the project must be approved at the General Plan's density. This is relevant to both the City and County General Plans for this residential development project because in this case both the City and County zoning required a lower density than the General Plan allowed. The City rectified their discrepancy by approving a zone change, approving the subdivision, and requesting annexation.

Government Code Section 65589.5(j)(1) states:

When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing

development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

It is not clear whether LAFCO is considered a local agency for the purpose of this section. However, it is very clear that both the City of Porterville and County of Tulare are bound by this law and must approve residential development projects that are consistent with their general plans. This residential development project is fully consistent with the City General Plan, and it is also consistent with the density requirements of the County General Plan.

The project approved by the City of Porterville was for a low density residential development that was consistent with the Low Density Residential land use designation in their General Plan. This law now prohibits the City of Porterville from going back and requiring the project be designed at a lower density. It appears that, given this new law, if LAFCO denies the annexation, the property owner cannot propose an alternative project with larger lots.

The additional limitations that SB 330 puts on cities and counties to approve residential development projects and help alleviate the housing crisis is new information that was not discussed or considered at the LAFCO hearing on July 7. This law has a significant effect on how cities, counties, and LAFCOs approach the approval of new housing developments that are consistent with the applicable General Plan. This new law makes it clear that in California subjective opinion can no longer dictate residential land use decisions. If the project meets the General Plan and the established objective development standards, it must be approved unless that are specially identified health and safety issues backed by objective evidence.

Housing Crisis, RHNA Allocation, and HCD Reporting

SB 330 makes it clear that the State Legislature has found that we are in a housing crisis. Tulare County is expected to receive its Regional Housing Needs Assessment (RHNA) allocation later this year. Other regions in the State that have already received their 6th cycle RHNA allocation have seen allocations between 50 and 100 percent higher than their 5th cycle allocations, so the number of housing units that Tulare County and its cities will be required to plan for over the next eight years will likely be much higher than previous cycles.

The CA Housing and Community Development Department (HCD) continues to hold cities and counties accountable to approve housing projects. One way they are doing this is by requiring cities and counties to report each year how many housing units received approvals, how many building permits for housing were issued, and how many new homes were completed. They are also required to report how many housing units were disapproved. Therefore, if the annexation denial stands, the City of Porterville will be required to report to HCD that 50 residential units were approved by the City but denied by Tulare County LAFCO.

This fact was not mentioned at the public hearing and should be considered new information that was not known at the July 7th hearing. The City of Porterville, nor any city, wants to be known at the State level for denying housing projects.

Traffic

At the public hearing on July 7, there was testimony given that the traffic in the neighborhood is already bad and will only be made worse with more homes. However, it was not pointed out that the residential development project is required to improve and widen the roads adjacent to its site. Once the site is annexed, the entire intersection of Newcomb Street and Linda Vista Avenue will be inside the city limits. This allows the City traffic engineers to have full control to improve the intersection with additional traffic control devices, if warranted.

It was not discussed at the hearing that very low density housing with multiple driveways on the main roadway is not the best design for traffic safety. The very low density of housing is usually set back further from the street, giving drivers on the road the false impression that it is safer to drive faster. The driveways directly exiting onto the major streets can be hazardous as vehicles try to back out onto major streets with fast-moving traffic. The proposed project does not put any new driveways on Newcomb Street or Linda Vista Avenue. It is designed for safe traffic with driveways connecting to interior local streets and then limited connections to the collector streets of Linda Vista Avenue and Newcomb Street at a safe distance away from the intersection.

It was stated in a letter in the staff report that the residential development project would connect its street to the existing Rose Street. This is not true. The only street connections are to Newcomb Street and Linda Vista Avenue. These connections were intentionally set back a safe distance from the Newcomb/Linda Vista intersection.

Policy and Procedures Section C-1

Much of the previous discussion has been about clearing up facts about land use. However, LAFCO is supposed to make their decisions based on the efficient provision of municipal services. Tulare County LAFCO has adopted Policy C-1 to evaluate annexation requests. While it was indicated at the hearing that these determinations might not be able to be made, there is evidence in the record that support all determinations being made.

- a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.

This is clear from the submitted map and legal description of the annexation.

- b. The proposed annexation is compatible with the City's General Plan.

As stated in the LAFCO staff report and clarified in this letter, the proposed annexation is clearly compatible with the City of Porterville's General Plan. The General Plans for both the City and County show a land use designation of Low Density Residential (not Very Low Density as was incorrectly stated at the hearing), which allows up to six units per acre. The proposed project's density is 4.3 units per acre. The proposed project is also consistent with the density range allowed in the County's General Plan. The fact that other surrounding housing chose to build at much lower densities than both the City and County General Plans allow does not then require the subject site to also build at a much lower density. If very low densities of housing were required by decision makers, neither the City nor the County would meet their General Plan goals for number of housing units to be built in the area. This finding can be made.

- c. There is a demonstrated need for municipal services and controls and that the City has the capability of meeting this need.

A single-family subdivision with 6,000 to 7,000 sq. ft. lots will obviously require municipal services to provide a healthy and safe environment. It requires water service, sewer service, police service, fire protection, and other municipal services. The City of Porterville has provided to LAFCO all required evidence that they can provide these services. Water and sewer lines are already adjacent to the project site in Newcomb Street. The City operates a fire station two miles away. All other services can be provided. There is no contradictory evidence in the record that says that City cannot provide municipal services to this site. This finding can be made.

- d. There is a mutual social and economic interest between the residents of the City and the proposed annexation territory.

This finding is less objective than the others. However, when you consider that the neighborhood's zip code is a Porterville zip code, residents likely work and shop in Porterville, and no other local agency has the ability to provide municipal services, it is clear that the preponderance of the evidence shows that there is a mutual social and economic interest. For the City, the interest is the ability to provide more housing with access to municipal services and continue to work toward meeting their housing goals.

- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.

The annexation is consistent with the Porterville General Plan's growth policies. When cities grow and meet previously built county developments,

there will be some land use conflicts, but they can be resolved by good planning, street improvements, proper traffic controls, and new investment into the neighborhood, including water and sewer lines that were not installed with the original developments. For a city to be able to afford to provide municipal services to previously approved county developments, some of the cost must be borne by private development. This requires approvals of private development that can extend sewer, water, and road infrastructure at private developer's expense.

Unlike what was implied at the hearing, density of development does not mean that the annexation is illogical or an unreasonable expansion of Porterville's boundaries. The housing crisis requires that we build at higher densities than past generations. Several nearby cities have reduced their minimum single-family densities from a 6,000 sq. ft. minimum to a 5,000 sq. ft. minimum in their zoning ordinances because they recognize that new very low density development is not a sustainable land use pattern and does not pay for itself.

- f. All urban services and infrastructure can be provided for by the City.

Water and sewer lines are already installed on the east side of the site. The City operates a fire station two miles away, directly south of the site. The developer will widen Linda Vista Avenue and Newcomb Street adjacent to the development and install sidewalks. All other services can be provided to the site.

In conclusion, we need to recognize that the California housing crisis is real. State law requires that residential development projects be evaluated objectively. This annexation and Sphere of Influence Amendment meet all of LAFCO's standards for approval. It is a logical expansion of territory for which the City of Porterville can efficiently provide municipal services. The development project has already been approved by the City Council. LAFCO should not override the City of Porterville's land use decision when it is consistent with both the City and County General Plans.

Sincerely,



Steve Brandt, AICP
Principal Planner

cc: Bitta Toor, property owner
John Lollis, Porterville City Manager

210288

ARTICLE 3. Reconsideration [56895- 56895.]

(Article 3 added by Stats. 2000, Ch. 761, Sec. 211.)

56895.

(a) When a commission has adopted a resolution making determinations, any person or affected agency may file a written request with the executive officer requesting amendments to or reconsideration of the resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. If the request is filed by a school district that received notification pursuant to Section 56658, the commission shall consider that request at a public hearing.

(b) Notwithstanding Section 56106, the deadlines set by this section are mandatory. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution by the commission making determinations. If no person or agency files a timely request, the commission shall not take any action pursuant to this section.

(c) Upon receipt of a timely request, the executive officer shall not take any further action until the commission acts on the request.

(d) Upon receipt of a timely request by the executive officer, the time to file any action, including, but not limited to, an action pursuant to Section 21167 of the Public Resources Code and any provisions of Part 4 (commencing with Section 57000) governing the time within which the commission is to act shall be tolled for the time that the commission takes to act on the request.

(e) The executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given pursuant to this subdivision. The executive officer shall give notice of the consideration of the request by the commission in the same manner as for the original proposal. The executive officer may give notice in any other manner as he or she deems necessary or desirable.

(f) At that meeting, the commission shall consider the request and receive any oral or written testimony. The consideration may be continued from time to time but not to exceed 35 days from the date specified in the notice. The person or agency that filed the request may withdraw it at any time prior to the conclusion of the consideration by the commission.

(g) At the conclusion of its consideration, the commission may approve with or without amendment, wholly, partially, or conditionally, or disapprove the request. If the commission disapproves the request, it shall not adopt a new resolution making determinations. If the commission approves the request, with or without amendment, wholly, partially, or conditionally, the commission shall adopt a resolution making determinations that shall supersede the resolution previously issued.

(h) The determinations of the commission shall be final and conclusive. No person or agency shall make any further request for the same change or a substantially similar change, as determined by the commission.

(i) Notwithstanding subdivision (h), clerical errors or mistakes may be corrected pursuant to Section 56883.

(Amended by Stats. 2011, Ch. 300, Sec. 74. (AB 1430) Effective January 1, 2012.)

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

July 7, 2021

**LAFCO Case Number 1560-P-323
City of Porterville Annexation 485 (Citrus Blossom Subdivision)**

- PROPOSAL:** Annexation to the City of Porterville and detachment from CSA #1.
- PROPONENT:** The City of Porterville by resolution of its City Council.
- SIZE:** Approximately 12.29 acres
- LOCATION:** Southwest corner of the intersection of Linda Vista Avenue. and North Newcomb Street. **(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 50-lot single family residential subdivision with a 0.43-acre park. LAFCO case 1560-P-323A for a Sphere of Influence amendment is being processed in conjunction with this case.
- APNs:** There is one parcel within the subject area, 243-130-042.

GENERAL ANALYSIS

1. Land Use:

A. Site Information

| | Existing (County) | Proposed (City) |
|---------------------------------|--------------------------|---|
| Zoning Designation | R-A-43 | RS-2 |
| General Plan Designation | Low Density Residential | Low Density Residential |
| Uses | Agriculture/Orchard | Tentative Subdivision Map (for single family residential and pocket park) |

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

| | Zoning Designation | General Plan Designation | Existing Use |
|--------------|--------------------------------|---------------------------------|---|
| North | R-A-43 (County) RS-1 (City) | Low Density Residential | Agriculture / Residential |
| South | R-A-43 (County) RS-1 (City) | Low Density Residential | Single family residential |
| East | RS-1 (City) RS-2 (City) | Low Density Residential | Single family residential |
| West | R-A-43 (County) RS-1 (City) | Low Density Residential | Single family residential / Agriculture |

C. Topography, Natural Features and Drainage

The site is generally flat with no major natural features.

D. Conformity with General Plans and Spheres of Influence:

The site is outside the City's Sphere of Influence. The City of Porterville is proposing a Sphere of Influence amendment that encompasses the annexation proposal area and 3 lots to the south (**Figure 1**).

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

The proposal area is primarily considered Farmland of Statewide Importance, with a small north-south strip on the western boundary considered Rural Residential by the State Farmland Mapping and Monitoring Program.

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

3. Population:

The estimated population of the proposal area is four. The County Elections Division has indicated that there are fewer than 12 registered voters in the proposal area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

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

Agency providing service

| Service | Now | After | Method of finance |
|-------------------|-----------------------|-----------------------|-------------------|
| Police Protection | Tulare County Sheriff | City of Porterville | General Fund |
| Fire Protection | Automatic Aid- City | Automatic Aid- County | General Fund |

| | | | |
|-----------------------------------|---------------------------------------|---|--|
| | assists City with 1 engine + manning | assists City with 1 engine + manning | |
| Water Supply | Private well | City of Porterville | Applicant / developer fees |
| Sewage Disposal | Private septic system | City of Porterville | Applicant/developer fees |
| Street Lighting | SCE provides some intersection lights | SCE/ City of Porterville | Applicant/developer fees |
| Street Maintenance | Tulare County | City of Porterville | Capital Improvement Program |
| Planning/Zoning | Tulare County | City of Porterville | Applicant/developer fees |
| Garbage Disposal | Western Waste Management | City of Porterville. Residents may continue to use Western Waste Management for up to five years after annexation | User Fees |
| Code Enforcement / Weed Abatement | Tulare County | City of Porterville | General fund / citation fees when applicable |
| Building Permits | Tulare County | City of Porterville | Applicant/Developer fees |

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

Sewer infrastructure exists adjacent to the proposal area but does not presently serve the site. The City's wastewater treatment plant has a capacity of 8 million gallons per day (mgd). Current estimated average daily flow is about 4 to 4.5 mgd. Other undeveloped areas within the city add the potential for 0.333 mgd. The annexation would add an estimated .0128 mgd.

The proposal area is currently served by an irrigation well. In conjunction with the development of the site the City's water system would be extended to the proposal area. The city's system-wide water capacity is 18.9/mgd. The City's annual water use is 8.7 mgd average daily demand. Other undeveloped areas within the city limits add the potential for 0.787 mgd. The annexation would add an estimated 0.03024 mgd. The City has recently undertaken a ground water recharge program, a proposed tertiary water project and a recycled water feasibility study.

The nearest fire station is located at 500 North Newcomb Street. The nearest police station is located at 350 North D Street. Both are in the City of Porterville.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership. A map sufficient for filing with the State Board of Equalization has been received.

6. Assess Value, Tax Rates and Indebtedness:

The 2020/21 tax rate for the area is 1.099651. 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: \$405,955
Improvements: \$74,763

7. Environmental Impacts:

The City of Porterville 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 and a Mitigation Monitoring and Reporting Program (MMRP) were approved for use with this proposal. A copy of those documents is included in the application materials.

8. Landowner Consent:

The landowner has provided signed consent to annexation. Because this annexation is uninhabited, no affected local agency has requested a protest hearing and there is 100% landowner consent within the annexation area, the protest hearing may be waived pursuant to GC §56662.

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.

Fifty single family units are proposed for development that are intended to serve the “Above Moderate” category. A tentative subdivision map has been filed with the City of Porterville. The table below shows the current RHNA cycle allocation.

2014-2023 City of Porterville RHNA allocation

| Very Low | Low | Moderate | Above Moderate | Total |
|----------|-----|----------|----------------|-------|
| 623 | 576 | 566 | 1,431 | 3,196 |

Since 2014, the City of Porterville has made the following progress towards providing its fair share of regional housing.

| Very Low | Low | Moderate | Above Moderate | Total |
|----------|-----|----------|----------------|-------|
| 11 | 44 | 226 | 116 | 397 |

The table below shows the total remaining fair share of regional housing for the City of Porterville.

| Very Low | Low | Moderate | Above Moderate | Total |
|----------|-----|----------|----------------|-------|
| 612 | 532 | 340 | 1,315 | 2,977 |

Six years into the current RHNA cycle, the City of Porterville remains far behind in achieving its fair share of regional housing. If approved, this proposal would assist the City in achieving its fair share of regional housing needs for the above moderate income group.

10. Discussion:

Residential Land Supply and Development

The site is pre-zoned for very low density residential. As part of this project the City will re-zone the site to low density residential (from RS-1 to RS-2). A tentative subdivision map for a 50-lot residential subdivision has been filed with the City of Porterville.

The City currently has approximately a 6.4 year supply of residential land. This assumes the remaining 789.62 acres of undeveloped residential land within the City develops at the current City population density of 13.4 person per acre of developed residential land at a growth rate of 2.56% per year which is what the growth rate for the City was from 2000 to 2020.

The site is bordered on three sides by single family residential development. The tentative subdivision map filed with the City shows low density single family residential development of approximately 4.21 units/acre which is more dense than the adjacent residential developments. The proposal is consistent with the regional blueprint and Sustainable Communities Strategy that calls for more compact development patterns. Compact development patterns are associated with reduced vehicle emissions, reduced vehicle miles traveled, and agricultural preservation.

Porterville’s recent residential annexations have occurred on largely developed territory. The last undeveloped residential annexation for the City of Porterville with a tentative map was in 2010 for a 16-lot subdivision (LAFCO Case 1459-P-312). While some of recent the island annexations contain some undeveloped land, these annexations did not have a tentative subdivision map associated with

them. Listed below are the annexations to the City of Porterville since the last undeveloped residential annexation in 2010. They were all substantially developed with the exception of 1501-P-313 which was developed into a solar panel field.

| Case | Year | Description | Acres | People | Housing Units |
|------------|------|----------------------------|-------|--------|---------------|
| 1501-P-313 | 2013 | North Grand – Solar Panels | 12.0 | 0 | 0 |
| 1513-P-314 | 2015 | Beverly-Grand | 96.3 | 588 | 155 |
| 1514-P-315 | 2015 | Plano-Gibbons Island | 123.1 | 471 | 148 |
| 1515-P-316 | 2015 | Westwood-Olive Island | 121.6 | 871 | 281 |
| 1518-P-317 | 2015 | Mulberry Island | 114.9 | 513 | 162 |
| 1520-P-318 | 2015 | Chelsea Glen/Rose | 93.4 | 550 | 172 |
| 1528-P-319 | 2017 | Roby Island | 87.8 | 726 | 227 |
| 1530-P-320 | 2017 | Linda Vista/SR 65 church | 5.5 | 0 | 0 |
| 1544-P-321 | 2019 | Olive-Conner Island | 22.9 | 35 | 11 |
| TOTAL | | | 672.0 | 3,754 | 1,156 |

Government Services

The adequacy of governmental service will be improved within the subject area. According to the City they are currently able to provide the annexation area urban services and infrastructure for development such as sewer services, fire, police, streets lighting, etc., as well as planning and building services. The closest fire and police stations are in and operated by the City of Porterville.

Services which would be extended to this area, including police and fire safety services and development permit services, will be funded primarily through impact fees, user fees and the general fund.

Sphere of Influence

Another case at this hearing, 1560-P-323A is a proposed Sphere of Influence amendment to include the annexation area and the 3 parcels south of the annexation area. The staff report for the Sphere of Influence amendment provides the commission another option to consider of a coterminous Sphere of Influence amendment.

Public Comments

At the time of the writing of this report, staff has received written comment from one local resident (Figure 4). A road connection to Rose Street is not part of the annexation application. As part of the proposed Sphere of Influence amendment (Case 1560-P-323A) the City has stated that it wishes to include the 3 parcels between the annexation proposal area and the existing city boundary in order to avoid potential approval of new development that may hinder the future

circulation planned in this area. As part of any future annexation of these 3 parcels, environmental review which includes review of transportation and traffic, would be required.

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 and Mitigation Monitoring and Reporting Program prepared by the City of Porterville for this project and determine that the project will not have a significant effect on the environment.
2. Find that the proposed reorganization of the City of Porterville complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, determine that:
 - a. The boundaries of the proposed reorganization are definite and certain.
 - b. The proposed annexation is compatible with the city's General Plan.
 - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
 - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
 - f. All urban services and infrastructure can be provided for by the city.
4. Find that the annexation does not contain any Williamson Act contract land.
5. Find that the territory proposed for this reorganization is uninhabited.
6. Approve the proposed reorganization, to be known as LAFCO Case Number 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision) 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

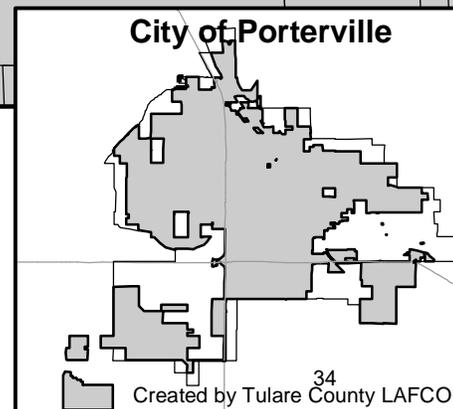
zoning.

- b. The 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 Government Code §56662 and order the reorganization without an election.
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 |
| Figure 3 | Tentative Subdivision Map |
| Figure 4 | Written Comments |
| Figure 5 | Resolution |

LAFCO Case 1560-P-323 & 1560-P-323a



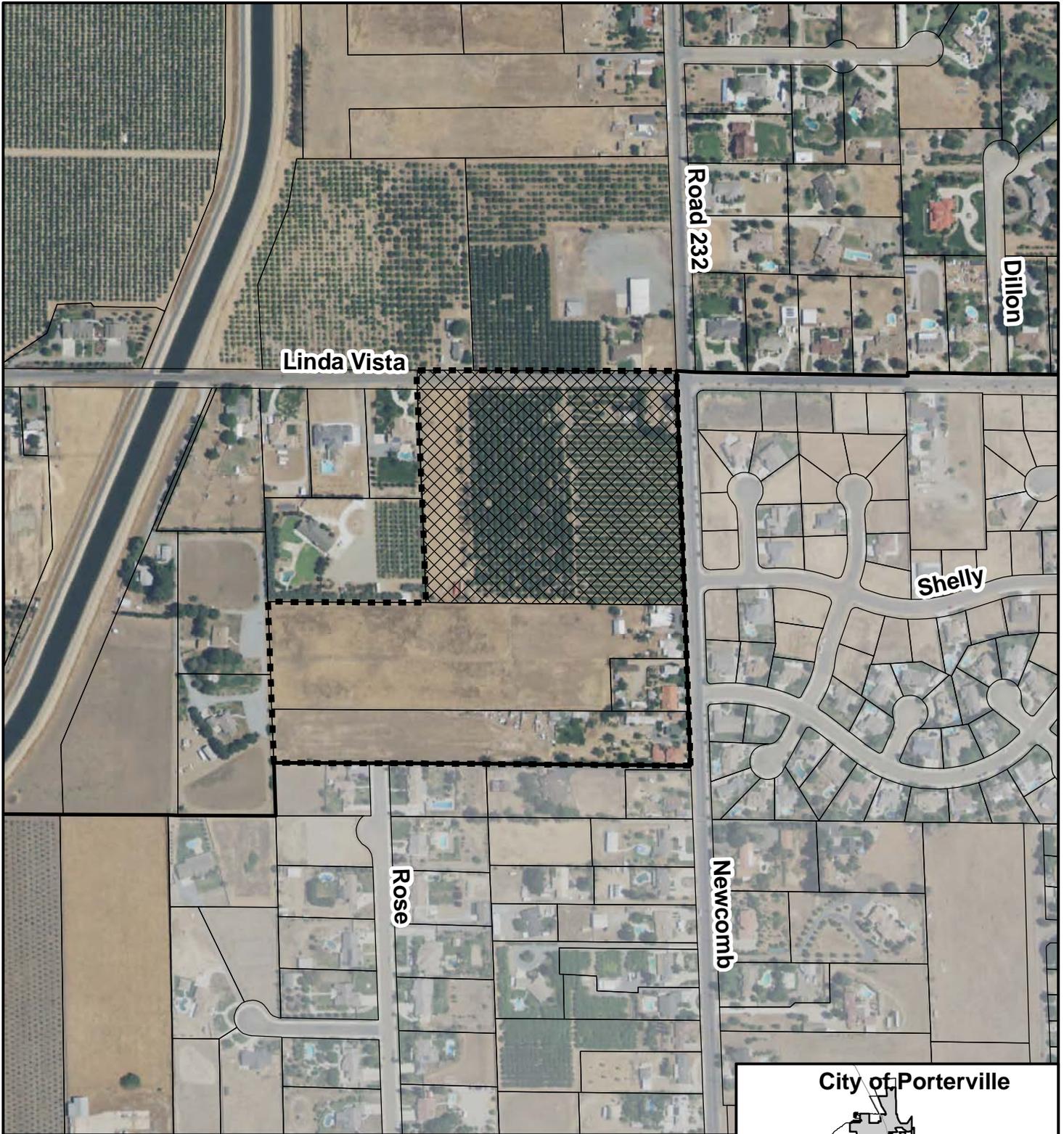
-  City of Porterville
-  Porterville Sphere of Influence
-  Site Location 1560-P-323
-  SOI Amendment 1560-P-323a
-  Parcels



0 165 330 660 Feet

Boundaries as of 5/19/21

LAFCO Case 1560-P-323 & 1560-P-323a

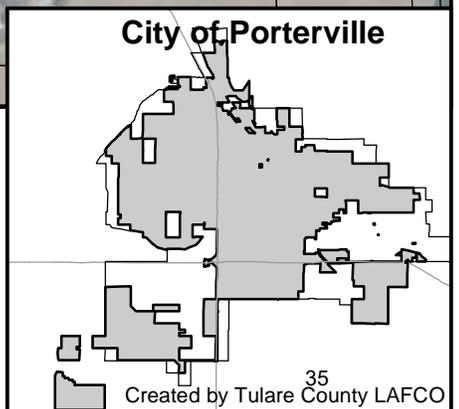


Legend:

- City of Porterville
- Porterville Sphere of Influence
- Site Location 1560-P-323
- SOI Amendment 1560-P-323a
- Parcels

0 165 330 660 Feet

Boundaries as of 5/19/21



"EXHIBIT A"

Citrus Blossom TENTATIVE SUBDIVISION MAP

BEING A SUBDIVISION WITHIN THE SOUTH HALF OF THE NORTHWEST 1/4, SECTION 16, T21S, R27E, MARIANA, IN THE COUNTY OF TRAVIS, STATE OF CALIFORNIA.

DATE: JULY 2020



QK
100 WEST WILSON AVENUE
PORTLAND, OR 97207

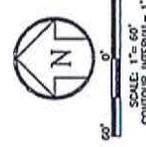
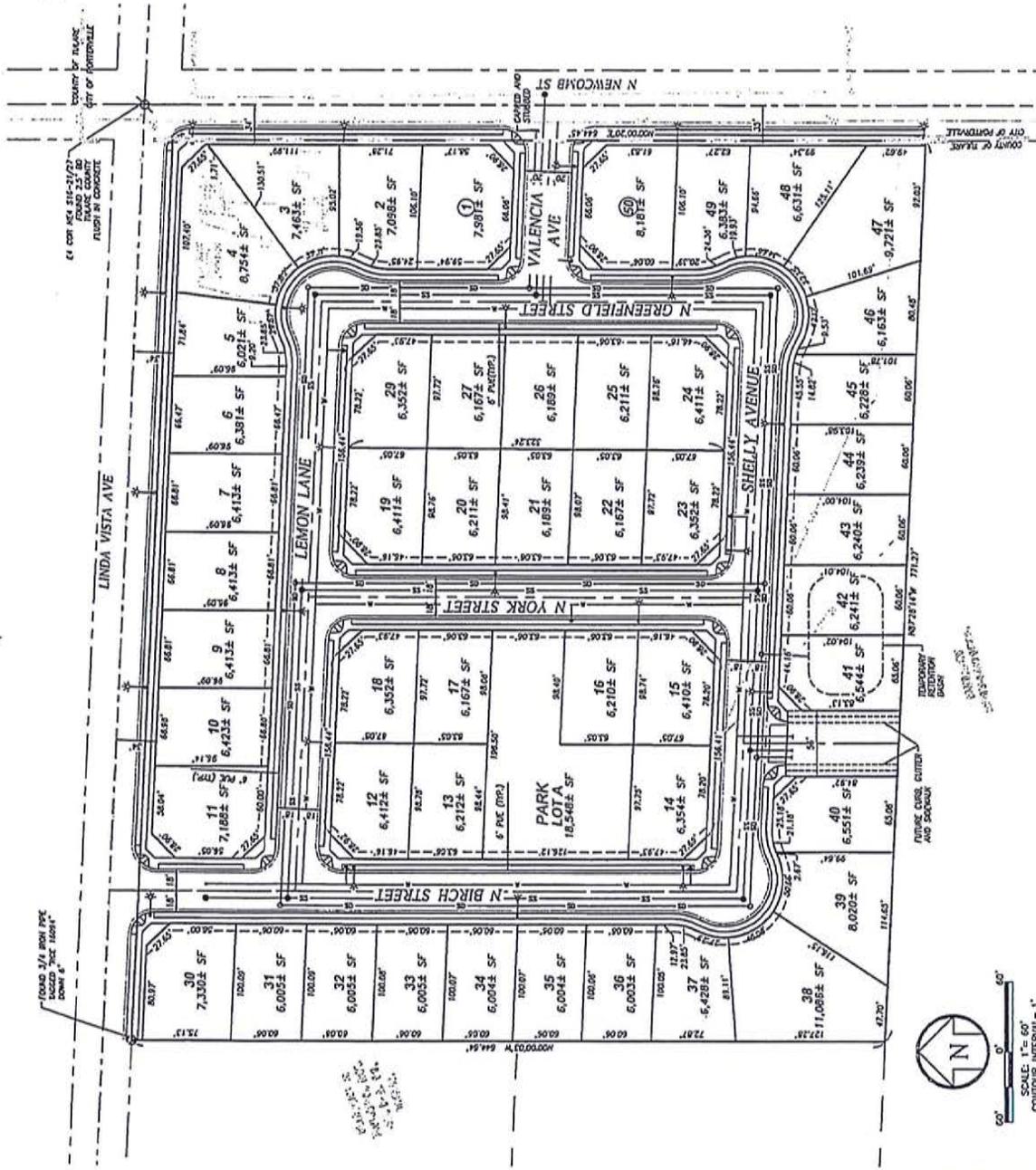
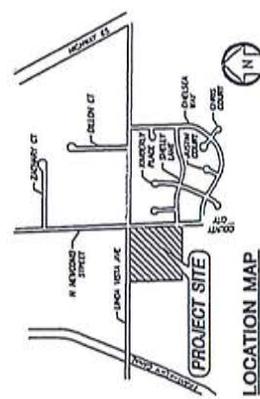
FOR: DWP SERVICE
P.L. BOX 214
COLUMBIA, CA 95310
(530) 380-0099

NOTES

1. DATE OF PREPARATION: AUGUST 24, 2020
2. ZONE: RS-2, CENTRAL PLAIN LOW DENSITY RESIDENTIAL.
3. ALL DISTANCES SHOWN ARE IN FEET & DECIMALS THEREOF AND ARE APPROXIMATE.
4. GROSS PARCEL AREA = 11.49 ACRES; GROSS DENSITY = 4.30 UNITS/ACRE; NET PARCEL AREA = 7.37 ACRES; LOT A = 0.13 ACRES PARCEL.
5. EXISTING LAND USE: ORCHARD.
6. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (100% OF SITE).
7. APPROVED TO CONFORM TO APPLICABLE ORDINANCES & STATUTES.
8. CALCULATED FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED.
9. NOT SUBJECT TO MANDATORY OR OVERLOOK, UNLESS OTHERWISE NOTED.
10. NATURAL GAS BY THE GAS COMPANY
11. TELEPHONE BY SBC
12. POWER BY SOUTHERN CALIFORNIA Edison CO.
13. CABLE TV BY CHARTER COMMUNICATIONS
14. DOMESTIC WATER BY CITY OF PORTLAND
15. SEWER DISPOSAL BY CITY OF PORTLAND
16. REFUSE COLLECTION BY CITY OF PORTLAND
17. IRRIGATION: SURFACE FLOW AND EXTENSION OF EXISTING STORM DRAIN SYSTEM.
18. WATER QUANTITY: AS PER CITY STANDARDS.
19. OFF STREET PARKING: 2 SPACES/LOT.

LEGEND

- PROPERTY BOUNDARY
- ROAD CENTERLINE
- PROPERTY LINE
- CITY LIMITS
- EXISTING WATER LINE
- EXISTING SANITARY SEWER LINE
- RESUBDIVISABLE OFFER OF DEDICATION
- PROPOSED WATER LINE
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM DRAIN LINE
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- PROPOSED SANITARY SEWER MAN HOLE
- PROPOSED STORM DRAIN MAN HOLE
- PROPOSED WATER BLOW OFF VALVE



LOCATION MAP
NOT TO SCALE

From: Jeff Weber <jenga94@icloud.com>

Sent: Tuesday, June 29, 2021 11:29 AM

To: Steven L Ingoldsby

Subject: "Citrus Blossom" project- Porterville

My name is Jeff Weber, 1807 W. Baker Ave. (93257) I would appreciate my comment(s) entered into record for the upcoming meeting on July 7th. I am extremely disappointed by the disregard our city council gave us when we had strong support attendance in opposition of zoning change for the above mentioned Citrus Blossom project. Other than an inaccurate description of said building expectations, it is quite apparent that there are numerous issues that were overlooked in favor of \$\$\$ tunnel-vision. I hope to share my strongest point to overturn any consideration for any progress at this time let alone any future time too. The point I want recorded is traffic/safety concerns. The roadage/street infrastructure is at capacity and to allow such an influx of increased vehicle traffic in our locale has obviously not been well considered. To believe that Rose street will be opened up to allow traffic thru where we already face problems on any given day to try to access onto W. North Grand Ave is placing anyone at risk of more potential for accidents. Again, I strongly oppose this project without more complete due diligence in every factor .

Respectfully, Jeff Weber

Sent from my iPad

ATTACHMENT FOR JULY LAFCO MEETING – ITEM IV-1&2

From: Beverly Drake <erlybird49@gmail.com>
Sent: Wednesday, June 30, 2021 3:48 PM
To: Steven L Ingoldsby <SIngoldsby@tularecag.ca.gov>
Subject: Citrus Blossom Project

I am sending this message to express my feelings about this proposed project. This is going to cause many problems for those of us that already live in the area. I had to pay thousands of dollars to take my well down another 100 feet just a few years ago do to the water levels dropping. My husband and I are senior citizens and can't do that again. Yet, this project will put a huge strain on the water levels in this area. I live on North Grand Ave and when they put the houses in on Rose st. it caused really bad traffic problems. North Grand is the only through street from Hwy 65 to Westwood. It is almost treated like a speed way. The added traffic from Rose st has only made the problem worse. If this new project is approved it will make it that much worse than it is now. people ride horses on this road. people walk along it to go to the small store or kids walk along it to go to and from school. This is supposed to be an agricultural area, and the city keeps infringing on this area. There are many parcels of land set aside in the city limits for this type of project and I don't understand why these parcels already in the city are not being used. I have lived in this house for over 40 years and keep watching the city keep creeping into this area of the county. I do not want to live in the city, I want to continue living a more quiet life as I have for the time I have been here. This is not good for the environment, water level, safety for residents from increased traffic, and the road conditions in this area are bad enough without more traffic. I also understand that the man that sold this parcel of land did not know it was for this type of project or he would not have sold it. That almost smells like fraud of some sort. Please reconsider this proposed project and do not pass it.

Thank you,
Mr. & Mrs. Steven Drake
1765 W. North Grand Ave

LAFCO
2800 W. Burrel Ave.
Visalia, CA

June 30, 2021, 10a.m.

Dear Commission,

I am writing in regards to the Citrus Blossom project. I am a concerned resident, living at 1932 N. Rose St., Porterville CA. This subdivision would definitely have an impact on our area. Right now, from Westwood to the west, to Newcomb on the east, from North Grand on the south, to Linda Vista on the north, all are at least one acre lots. This project would have 4 to 6 houses per/acre. (Chelsea Glenn – a subdivision on corner of Linda Vista and Newcomb- has 2 ½ homes per/acre.) The traffic that this would produce would be overwhelming to our area. No matter what they would do to alleviate Linda Vista and Newcomb, these streets and North Grand would have a much higher volume of traffic. The city GUESSTIMATED 450 road trips a day. I would like to have a more accurate analysis done to show what the traffic volume would be. Linda Vista and Newcomb is a dangerous intersection now (two accidents just recently.) The increase in traffic would increase that danger.

Since this property is still in the county, please do what you can to make sure that this project will not just benefit the builder and the city. Recognize the real concerns of the residents. Please take time to study all the aspects of this subdivision.

Thanking you in advance for your help,

Lynn Gong

ATTACHMENT FOR JULY LAFCO MEETING – ITEMS IV-1 & 2

From: William Polanec <wpolanec@gmail.com>
Sent: Tuesday, July 6, 2021 4:12 PM
To: Amie Kane <AKane@tularecag.ca.gov>
Subject: LAFCO Case 1560-P-323 & 1560-P-323a

My name is: William Polanec and I reside at 1803 W Linda Vista Ave., Porterville, CA.

I fully intend to attend the hearing on Wednesday (07-07-2021) regarding the 11 acre parcel east of me.

It's bad enough that we are in a drought and now some folks want to build more homes.

Where are they going to draw the water from? I have noticed that we have numerous properties that have planted new citrus trees. Also! I see that the community of Tavastin; near Pixley is out of water! So sad! Where on earth are we going to get more water? THE OCEAN!

I resent the fact the builder wants to build 55 homes on this 11 acre parcel! Are we going to have another community that resembles "HOMES BUILT BY Mary McClure". I am referring to the homes by the Porterville Municipal Course on S leggett Street. Built by contractor Mary McClure. The homes are so close together; that you could virtually jump from roof top to roof top!

I have resided here since 1992. I have seen a lot of new growth. Abundant amount of new homes. Definitely more traffic!

THANK YOU and be safe

Bill

William Polanec
1803 W Linda Vista Ave.
Porterville, CA 93257-9547
wpolanec@gmail.com

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 Porterville and Detachment)
from CSA #1. LAFCO Case 1560-P-323,)
City of Porterville Annexation 485 (Citrus)
Blossom Subdivision)) **RESOLUTION NO. 21-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 July 7, 2021 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 Porterville, as Lead Agency, filed a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by the City of Porterville 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. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.

- b. The proposed reorganization does not contain any Williamson Act contract land.
- d. The subject territory is within the Sphere of Influence of the City of Porterville as a result of Case 1560-P-323A.

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. The proposed annexation is compatible with the city's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. All urban services and infrastructure can be provided for by the city.

8. The Commission hereby waives the protest hearing proceedings in accordance with GC §56662 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 applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.

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

LAFCO Case No. 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision)

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 7th day of July, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

si

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

In the Matter of the Reconsideration of the)
Proposed Annexation to the City of Porterville)
Detachment from CSA #1. LAFCO Case)
1560-P-323, City of Porterville Annexation 485)
(Citrus Blossom Subdivision)) **RESOLUTION NO. 21-XXX**

WHEREAS, a reconsideration request has been made to this Commission pursuant to Government Code Section 56895 to modify Resolution 21-015, the denial of LAFCO Case 1560-P-323; and

WHEREAS, this Commission has read and considered the Request for Reconsideration; and

WHEREAS, on September 1, 2021, 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. <Option1> The reconsideration request did not contain new or different facts that could not have been presented previously.

1. <Option 1a> The reconsideration request did contain new or different facts that could not have been presented previously. However, the new or different facts do not warrant a modification to Resolution 21-015.

2. The Commission has reviewed and considered, in accordance with Government Code Section 56895, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXX
XXXXXXX

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

4. The Commission hereby denies the request for reconsideration.

The foregoing resolution was adopted upon motion of Commissioner_____, seconded by Commissioner _____, at a regular meeting held on this 1st day of September, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

si

**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 Porterville and Detachment)
from CSA #1. LAFCO Case 1560-P-323,)
City of Porterville Annexation 485 (Citrus)
Blossom Subdivision)) **RESOLUTION NO. 21-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 July 7, 2021 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter; and

WHEREAS, on July 7, 2021 this Commission denied the request for reorganization known as Case 1560-P-323 City of Porterville Annexation 485 (Citrus Blossom Subdivision); and

WHEREAS, the applicant submitted a Request for Reconsideration of the commission's denial within the 30 day reconsideration period; and

WHEREAS, this Commission has read and considered the Request for Reconsideration; and

WHEREAS, on September 1, 2021, 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 applicant's reconsideration request provided new or different facts that could not have been presented previously and this resolution supersedes Resolution No. 21-015.

2. 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. The Request for Reconsideration has been received and considered in accordance with Government Code Section 56895. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

3. The City of Porterville, as Lead Agency, filed a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring

and Reporting Program prepared by the City of Porterville for this project and determine 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.

4. The Commission has reviewed and considered, in accordance with Government Code Section 56668 and Section 56895, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXX
XXXXXXX

5. 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.

6. 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 proposed reorganization does not contain any Williamson Act contract land.
- d. The subject territory is within the Sphere of Influence of the City of Porterville as a result of Case 1560-P-323A.

7. 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. The proposed annexation is compatible with the city's General Plan.
 - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
 - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
 - f. All urban services and infrastructure can be provided for by the city.
8. The Commission hereby waives the protest hearing proceedings in accordance with GC §56662 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 applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
10. The following short form designation shall be used throughout these proceedings:
- LAFCO Case No. 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision)
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 1st day of September, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

si

**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 Porterville and Detachment)
from CSA #1. LAFCO Case 1560-P-323,) **RESOLUTION NO. 21-015**
City of Porterville Annexation 485 (Citrus)
Blossom Subdivision))

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 July 7, 2021 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 Porterville, as Lead Agency, filed a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by the City of Porterville 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:

Kelley Ivancovich, Jenny Cox, David Cox, Cresencio Mena, Juan Martinez, Camila Garcia, Michelle Pacheco, Bill Landis, Joyce Brown, all local residents that spoke against the proposed project.

John Lollis, City Manager for the City of Porterville; and Jason Ridenour, City of Porterville spoke in support of the proposed annexation.

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 proposed reorganization 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 did not make the following determinations:

- a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
- b. The proposed annexation is compatible with the city's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. All urban services and infrastructure can be provided for by the city.

8. The Commission hereby disapproves the proposed reorganization of the territory described in Exhibit "A," attached hereto.

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

LAFCO Case No. 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision)

The foregoing resolution was adopted upon motion of Commissioner Townsend, seconded by Commissioner Harrell, at a regular meeting held on this 7th day of July, 2021, by the following vote:

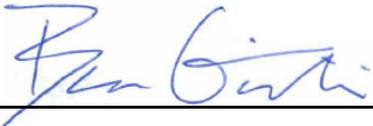
AYES: Allen, Valero (A), Harrell (A), Townsend

NOES:

ABSTAIN:

PRESENT:

ABSENT: Mendoza, Vander Poel, Sheriff (A)



Ben Giuliani, Executive Officer

si

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:
*Julie Allen, Chair
Rudy Mendoza, V-Chair
Dennis Townsend
Pete Vander Poel
Vacant*

September 1, 2021

ALTERNATES:
*Eddie Valero
Fred Sheriff
Steve Harrell*

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Ben Giuliani

EXECUTIVE OFFICER:
Ben Giuliani

SUBJECT: SB 9 (Atkins) Housing developments: approvals
SB 10 (Weiner) Planning and zoning: housing developments: density

Background

SB 9 would require that local agencies permit the development of two residences (duplex) per parcel and/or permit one lot split of equal sized parcels regardless of city zoning. SB 10 would allow local agencies the discretion of issuing ordinances to zone any parcel up to 10 units of residential density in transit rich areas or urban in-fill sites. The latest bill text and legislative bill summaries are included as attachments.

Discussion

Vice-Chair Mendoza has requested Commission review of SB 9 and SB 10 for possible consideration of issuing position letters.

SB 9

SB 9 was passed by the Assembly Appropriations Committee 12-1 on August 19th and may be heard by the full Assembly before the September 1st LAFCO meeting. The bill would still need to go back to the Senate for vote before going to the Governor. SB 9 is opposed by the League of California Cities. The League opposes SB 9 for several reasons with the removal of local discretion appearing to be the primary issue (oppose letter template attached). The California State Association of Counties (CSAC) has a support if amended position on SB 9 (letter attached).

SB 10

SB 10 was passed by the full Assembly 44-12 on August 23rd and has been referred to the full Senate to vote before going to the Governor. The League and CSAC both have watch positions on SB 10. The key difference between SB 10 versus SB 9 appears to be that SB 10 allows for local discretion and consistency with zoning ordinances.

Recommendation

Review SB 9 and SB 10 to determine if letters of position from LAFCO are warranted.

Figures & Exhibits

| | |
|----------|--------------------------------------|
| Figure 1 | SB 9 bill analysis |
| Figure 2 | SB 9 bill text |
| Figure 3 | League template letter of opposition |
| Figure 4 | CSAC letter, support if amended |
| Figure 5 | SB 10 bill analysis |
| Figure 6 | SB bill text |

Date of Hearing: August 19, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

SB 9 (Atkins) – As Amended August 16, 2021

| | | |
|-------------------|-----------------------------------|-------------|
| Policy Committee: | Local Government | Vote: 5 - 1 |
| | Housing and Community Development | 5 - 1 |

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill requires ministerial approval of duplexes and urban lot splits, as specified, and allows the life of subdivision maps to be extended by one year. Among its provisions, this bill:

- 1) Requires a city or county, including a charter city or county, to:
 - a) Provide ministerial approval, not subject to the California Environmental Quality Act (CEQA), of a proposed housing development within a single-family residential zone containing no more than two residential units (a duplex), that meets specified criteria.
 - b) Provide ministerial approval, not subject to CEQA review, of a parcel map or tentative and final map dividing a lot into two approximately equal parts of not less than 1,200 square feet each for residential use (an urban lot split) that meets specified criteria.
- 2) Requires an eligible project be located within an urbanized area or urban cluster, as defined, and not be located on prime farmland, wetlands, a hazardous waste site, certain environmentally protected land, a site on an historic register or in a very high fire severity zone, earthquake zone or floodplain.
- 3) Prohibits an eligible project from requiring demolition or alteration of housing subject to rent control, restricted to affordable rent levels, or occupied by tenants within the last three years.
- 4) Requires a city or county to restrict the rental term of any unit created under this bill to a term of more than 30 days.
- 5) Specifies a city or county is not required to permit accessory dwelling units (ADUs) on parcels subdivided through an urban lot split and have two residential units on the parcel.
- 6) Requires a city or county to include specified data in the annual housing element report submitted to the Department of Housing and Community Development (HCD).
- 7) Allows a city or county to adopt an ordinance to implement the provisions of the bill and provides that such an ordinance is not a project under CEQA.
- 8) Allows a city or county to extend the life of subdivision maps by an additional 12 months, up to a total of four years.
- 9) Recent amendments do the following:

- a) Authorize a local agency to deny a proposed housing development or lot split if the building official makes a written finding that the development or lot split would have an adverse impact on public health, safety, or the physical environment that cannot be mitigated.
- b) Make the owner occupancy provision a statewide requirement instead of a local opt-in and remove the sunset date; require an applicant of a lot split to sign an affidavit stating the applicant intends to occupy one of the units as their principal residence for a minimum of three years following the approval of the lot split.
- c) Make clarifying changes to the definition of a non-profit corporation that meets the owner occupancy requirement to ensure the community land trust model is fully included.

FISCAL EFFECT:

- 1) The Department of Housing and Community Development (HCD) estimates costs of \$89,000 (GF) annually for 0.5 PY of staff time to provide technical assistance and outreach education to local agencies and affordable housing developers.
- 2) Unknown state-mandated local costs to establish streamlined project review processes for proposed duplex housing developments and tentative maps for urban lot splits, and to conduct expedited design reviews of these proposals. These costs are not state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates.

COMMENTS:

- 1) **Purpose.** This bill seeks to promote small-scale neighborhood residential development by streamlining the process to create a duplex or subdivide an existing lot on residential land. According to the author:

[This bill] provides options for homeowners by streamlining the process for a homeowner to create a duplex or subdivide an existing lot. Building off the successes of ADU law, [This bill] strikes an appropriate balance between respecting local control and creating an environment and opportunity for neighborhood housing that benefits the broader community.

- 2) **Background.** The Planning and Zoning Law requires every county and city to adopt a general plan that sets out planned uses for all of the area covered by the plan. A general plan must include specified mandatory elements, including a housing element that establishes the locations and densities of housing, among other requirements. Zoning ordinances establish the type of land uses that are authorized in a designated area, as well as other uses that may be allowed if they meet conditions imposed by the local agency.
- 3) **Ministerial Approval.** A project subject to ministerial review requires only an administrative review designed to ensure the project is consistent with existing general plan and zoning rules, as well as meets standards for building quality, health and safety. The local government must approve a ministerial permit if the application is complete. Most large housing projects are not allowed ministerial review. Instead, these projects are discretionary

and vetted through both public hearings and administrative review, including design review and appeals processes. Most housing projects that require discretionary review and approval are subject to CEQA review, while projects permitted ministerially are not. This bill requires ministerial approval of duplexes and urban lot splits on land zoned for residential single-family housing.

Existing law requires local agencies to ministerially permit the development of accessory dwelling units (ADUs) on residential parcels, either within the space of an existing single family home or in a new or converted structure in the rear of a property, or both, regardless of local zoning restrictions. ADU law places numerous specified limitations on the ability of local governments to impose requirements on ADUs to encourage small-scale neighborhood development. This bill does not require a local agency to allow an ADU on parcels subdivided through an urban lot split and also have two residential units on the parcel.

- 4) **Subdivision Map Act.** The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land into parcels for sale, lease or financing. Local subdivision approvals must be consistent with city and county general plans. For smaller subdivisions that create four or fewer parcels, local officials usually use parcel maps, but they can require tentative parcel maps followed by final parcel maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months. This bill allows a local agency to extend the life of subdivision maps by an additional year, up to a total of four years.
- 5) **Arguments in Support.** Supporters of the bill, primarily affordable housing advocates and builders, argue the bill has the potential to facilitate a substantial amount of new housing at a small-scale, neighborhood level, and this new housing will help address the housing crisis by lowering rents and home prices.
- 6) **Arguments in Opposition.** Opponents of the bill, primarily local governments and residential neighborhood groups, argue the bill would override the traditional ability of localities to control the development process.
- 7) **Prior Legislation.**

SB 1120 (Atkins), of the 2019-20 Legislative Session, was substantially similar to this bill. SB 1120 was not taken up for a concurrence vote on the Senate Floor.

SB 35 (Wiener), Chapter 366, Statutes of 2017, created a streamlined, ministerial approval process for infill developments in cities and counties that have failed to meet their RHNA production targets.

Analysis Prepared by: Jennifer Swenson / APPR. / (916) 319-2081



SB-9 Housing development: approvals. (2021-2022)

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AMENDED IN ASSEMBLY AUGUST 16, 2021

AMENDED IN SENATE APRIL 27, 2021

AMENDED IN SENATE APRIL 05, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 9

**Introduced by Senators Atkins, Caballero, Rubio, and Wiener
(Coauthors: Senators Cortese, Gonzalez, and McGuire)
(Coauthors: Assembly Members Robert Rivas and Wicks)**

December 07, 2020

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 9, as amended, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being

at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. ~~The bill, until January 1, 2027, bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing an any additional owner occupancy requirement on applicants unless specified conditions are met. standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.~~

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

~~(d)~~

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

~~(e)~~

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

~~(f)~~

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

~~(g)~~

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

~~(h)~~

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) "Local agency" means a city, county, or city and county, whether general law or chartered.

~~(i)~~

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

~~(j)~~

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

~~(d)~~

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

~~(e)~~

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

~~(f)~~

(g) (1) A local agency ~~may impose an owner occupancy requirement on~~ *shall require* an applicant for an urban lot split ~~that meets one of the following conditions:~~

~~(A)The applicant intends to sign an affidavit stating that the applicant intends~~ *to occupy one of the housing units as their principal residence for a minimum of* ~~one year~~ *three years* ~~from the date of the approval of the urban lot split.~~

~~(B)The applicant is a "qualified nonprofit corporation." A "qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under either of the following:~~

~~(i)Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low income families who participate in a special no-interest loan program;~~

~~(ii)Section 214.18 of the Revenue and Taxation Code for properties owned by a community land trust;~~

(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

~~(2)~~

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

~~(3) This subdivision shall become inoperative on January 1, 2027.~~

~~(g)~~

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

~~(h)~~

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

~~(i)~~

(j) (1) Notwithstanding any provision of Section 65852.2, ~~Section 65852.21, Section 65852.22, Section 65915,~~ or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

~~(j)~~

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

~~(k)~~

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

~~(l)~~

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

~~(m)~~

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

~~(n)~~

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition

to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

~~SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.~~

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

ALL LETTERS MUST BE UPLOADED INTO THE ELECTRONIC PORTAL. The portal automatically sends letters to the author's office and the committee(s) of jurisdiction. Please visit <https://calegislation.lc.ca.gov/advocates/> to create an account and upload the letter. If you are having difficulty accessing the portal, please contact Meg Desmond at mdesmond@cacities.org.

In addition to submitting the letter through the portal, please send a physical copy to your Legislator(s), and email a copy to cityletters@cacities.org as well as your Regional Public Affairs Manager.

*****CITY LETTERHEAD*****

DATE

The Honorable Cecilia Aguiar-Curry
Chair, Assembly Committee on Local Government
State Capitol Building, Room 5155
Sacramento, CA 95814

**RE: SB 9 (Atkins) Increased Density in Single-Family Zones
Oppose (As Amended 04/27/2021)**

Dear Assembly Member Aguiar-Curry,

The **City/Town of _____** writes to express our opposition to SB 9. SB 9 would require cities and counties to ministerially approve, without condition or discretion, a housing development containing two residential units on an individual parcel in single-family zones. Additionally, this measure would require local governments to ministerially approve an urban lot split, thus creating two independent lots that may be sold separately.

Housing affordability and homelessness are among the most critical issues facing California cities. Affordably priced homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in the state. Cities lay the groundwork for housing production by planning and zoning new projects in their communities based on extensive public input and engagement, state housing laws, and the needs of the building industry.

While the **City/Town of _____** appreciates President pro Tempore Atkin's desire to pursue a housing production proposal, unfortunately, SB 9 as currently drafted will not spur much needed housing construction in a manner that supports local flexibility, decision making, and community input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements that are certified by the California Department of Housing and Community Development (HCD).

PLEASE CITE SPECIFIC CONCERNS AND HOW YOUR CITY WILL BE AFFECTED BY THIS BILL HERE.

California cities are committed to being part of the solution to the housing shortfall across all income levels and will continue to work collaboratively with you, the author, and other stakeholders on legislative proposals that will actually spur much needed housing construction.

For these reasons, the City/Town of _____ opposes SB 9 (Atkins).

Sincerely,

NAME

TITLE

CITY/TOWN of _____

cc. The Honorable Senate President pro Tempore Toni Atkins
Your Senator & Assembly Member
Your League Regional Public Affairs Manager (via email)
League of California Cities (Via email: cityletters@cacities.org)



June 15, 2021

The Honorable David Chiu
Chair, Assembly Housing and Community Development Committee
State Capitol, Room 4112
Sacramento, CA 95814

**RE: Senate Bill 9 (Atkins): Housing development: approvals
As Amended April 27, 2021 – SUPPORT IF AMENDED
Set for hearing in Assembly Housing and Community Development
Committee – June 22, 2021**

Dear Assemblymember David Chiu:

On behalf of the California State Association of Counties (CSAC), the Rural County Representatives of California (RCRC), and the Urban Counties of California (UCC), we write to offer our “Support if Amended” position for Senate Bill 9, which would require a local government to ministerially approve the development of two residential units in single-family residential zones, as well as the splitting of parcels in those same zones.

Strengthening rates of housing production by reasonably increasing density in existing residential neighborhoods and creating a process that can expand opportunities for home ownership are goals our organizations collectively support. However, we remain concerned about the possible unintended consequences of several provisions in SB 9 that could ultimately undermine the goals we all share.

Our organizations request that the scope of SB 9, as applied to unincorporated areas, be narrowed to include only urbanized areas and expressly exclude parcels located in Very High Fire Hazard Severity Zones. Creating significant density increases in some parts of the state, such as more rural areas, can contradict other state policy goals such as reducing sprawl and greenhouse gas emissions. Additionally, these areas can lack sufficient infrastructure for densification. Likewise, fire prone areas of the state, a majority of those overlapping with rural regions, cannot absorb unplanned increases in housing densities through a by-right process without increasing risks of residents already challenged by the lack of adequate ingress/egress, appropriate water flows and sufficient evacuation routes. Given that bill precludes offsite improvements, it

may be impossible to address issues such as inadequate ingress/egress during the approval process for an individual project.

Our organizations are also concerned that by allowing an urban lot split to proceed in advance of the development of a new home, SB 9 may lead to unscrupulous landowners selling parcels that will not be developed for housing. An unintended consequence, especially in more rural areas where housing prices are lower, could be an increase in empty, blighted and potentially hazardous parcels of land in California communities, without corresponding housing growth. We must ensure that this bill will truly create more homes and not just increase the wealth of existing homeowners. We request that Section 2 of the bill be amended to allow for the urban lot split to be finalized only after a Certificate of Occupancy is issued by the local jurisdiction. This amendment will ensure that these provisions will not just result in paper transfers of land, but the construction of new homes.

Finally, under current law, the Subdivision Map Act requires a subdivision map for the division of land into more than four parcels and requires a parcel map for property subdivided into four or fewer parcels. Allowing lots created by a parcel map to be split circumvents protections that apply to a subdivision of greater than four lots. These laws were enacted to ensure that the needs of larger developments are planned for and probable impacts on the surrounding community mitigated as necessary. Conditions for development include a wide range of considerations, from the appropriate infrastructure needed, including water, sewer, and roads, to large community necessities such as schools, fire stations and traffic management. Serial splitting of parcels under SB 9 could allow a community originally planned for four units to include up to 16, without the improvements that would otherwise be required for a subdivision. This can lead to unintended community-wide consequences stemming from infrastructure insufficient to properly sustain the needs of the development. While we appreciate that SB 9 now precludes a single applicant, or a person working in concert with an applicant, from splitting adjacent lots pursuant to SB 9, the bill does not preclude splitting of lots that were previously created through a parcel map, thereby circumventing requirements for improvements that would otherwise apply to a subdivision of five lots. Accordingly, we request SB 9 be amended to exclude parcels created through the parcel map process to ensure that the underlying infrastructure is sufficient to support a housing development larger than four units.

We appreciate the author's ongoing work with our organizations to address technical issues with the bill; however, the above-mentioned substantive policy concerns must be addressed in order for our organizations to move to a "Support" position on SB 9.

If you should have any questions, please do not hesitate to contact Tracy Rhine of RCRC at trhine@rcrcnet.org, Christopher Lee of CSAC at clee@counties.org, or Jean Kinney Hurst of UCC at jkh@hbeadvocacy.com.

The Honorable David Chiu
Senate Bill 9
June 15, 2021
Page 3

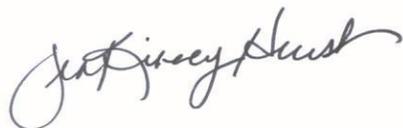
Sincerely,



CHRISTOPHER LEE
Legislative Representative
CSAC



TRACY RHINE
Legislative Advocate
RCRC



JEAN KINNEY HURST
Legislative Representative
UCC

cc: The Honorable Toni Atkins, Senate President pro Tempore
Honorable Members, Assembly Housing and Community Development
Committee
Steve Wertheim, Consultant, Assembly Housing and Community Development
Committee
William Weber, Consultant, Assembly Republican Caucus

SENATE THIRD READING
SB 10 (Wiener)
As Amended July 5, 2021
Majority vote

SUMMARY

Authorizes a city or county to pass an ordinance that is not subject to the California Environmental Quality Act (CEQA) to upzone any parcel for up to ten units of residential density if the parcel is located in a transit-rich area or an urban infill site.

Major Provisions

- 1) Authorizes a city or county to pass an ordinance to zone any parcel for up to ten units of residential density, notwithstanding any local or voter-mandated restrictions on zoning ordinances, as long as the parcel meets the following geographic parameters:
 - a) The parcel is located in either a transit-rich area, as defined, or an urban infill site, as specified;
 - b) The parcel is not located in a high or very high fire hazard severity zone, as defined by the Department of Forestry and Fire Protection (CALFire), except for sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development; and
 - c) The parcel is not subject to a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land, as defined, or for park or recreational purposes.
- 2) Specifies that neither an ordinance adopted pursuant to this bill, nor any resolution, ordinance or any other local regulation adopted to amend the jurisdiction's general plan to be consistent with that ordinance, is a project for purposes of CEQA.
- 3) Requires a local agency that adopts an ordinance pursuant to this bill to do all of the following:
 - a) Make a finding that the increased density is consistent with the city's obligation to affirmatively further fair housing; and
 - b) If the ordinance supersedes a zoning restriction established by a local initiative, adopt the ordinance by a two-thirds vote.
- 4) Specifies, regarding housing development projects on sites rezoned pursuant to this bill that are of more than ten units, that such projects are prohibited from receiving ministerial or by right approval, or being exempt from CEQA, if it the parcel on which it is located was rezoned using the provisions of this bill;
- 5) Prohibits a local government from utilizing this bill to reduce the density of parcels, or subsequently reducing the density of any parcels upzoned pursuant to this bill.

- 6) Includes a sunset date such that a local government cannot pass an ordinance discussed in 1) after January 1, 2029. Specifies that the ordinances themselves may extend beyond that date.

COMMENTS

California Housing Crisis: California is in the midst of a housing crisis. Only 27% of households can afford to purchase the median priced single-family home – 50% less than the national average. Over half of renters, and 80% of low-income renters, are rent-burdened, meaning they pay over 30% of their income towards rent. At last count, there were over 160,000 homeless Californians. The burden of this crisis is disproportionately born by communities of color; according to (CA Department of Housing and Community Development) HCD's 2018 Statewide Housing Assessment, Black and Latinx households are one-third less likely to own a home as White households, and 20% more likely to be rent-burdened.

A major cause of our housing crisis is the mismatch between the supply and demand for housing. According to the Roadmap Home 2030 (Housing CA and California Housing Partnership Corporation, 2021), to address this mismatch, California needs approximately 2.6 million units of housing, including 1.2 million units affordable to lower income households. And according to HCD, the state needs 180,000 units of housing built a year to keep up with demand. By contrast, production in the past decade has been under 100,000 units per year, further exacerbating the housing crisis.

Planning for and Approving Housing Development: Planning for and approving new housing is mainly a local responsibility. The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public – including land use authority. Cities and counties enforce this power through zoning regulations that restrict and shape development, such as maximum densities of housing units, maximum heights, minimum numbers of required parking spaces, required setbacks, and maximum lot coverage ratios. These ordinances can also include conditions on development to address aesthetics, community impacts, or other particular site-specific considerations.

The state's role in housing production is to ensure that cities and counties plan for and approve new housing. Cities and counties are required to complete a housing element as part of their General Plan. Among other things, the housing element must demonstrate how the community can accommodate its share of its region's housing needs. To do so, each community establishes an inventory of sites designated for new housing that is sufficient to accommodate its fair share. Where a community does not already contain the existing capacity to accommodate its fair share of housing, it must undertake a rezoning program to accommodate the housing planned for in the housing element.

Moderate-Density Housing: As discussed above, a major cause of our housing crisis is the mismatch between the supply and demand for housing. This mismatch involves not just the amount of housing, but the type of housing being built. In recent decades, almost all of the housing built in California was large single-family development (which can be an inefficient use of land) and mid- and high-rise construction (which are expensive to build). One strategy to lower the cost of housing is to facilitate the construction of housing types that accommodate

more units per acre, but are not inherently expensive to build. This includes moderate-density typologies such as town homes, duplexes, and four-plexes,

Local zoning restrictions are a barrier to denser housing. According to the UC Berkeley Turner Center's 2019 residential land use survey, in California most jurisdictions devote the majority of their land to single-family zoning, and in two-thirds of jurisdictions, multifamily housing is allowed on less than 25% of land. Many local governments in California are motivated to increase density in these neighborhoods to address the housing crisis, and others are required by state law to do this as part of their Housing Element. However, such upzonings typically face several impediments – one of which is the requirement for the upzoning to be analyzed under CEQA.

New housing typically requires multiple levels of CEQA review, including at the housing element level, for a rezoning that increases development capacity, and for the project itself. This bill would remove the requirement to complete CEQA review when jurisdictions rezone to increase the amount of housing allowed, up to a maximum of ten units, on parcels that are either infill locations and/or near high quality transit. The jurisdiction's decision to utilize the provisions of this bill are voluntary. However, if a jurisdiction decides to do so, this bill enables elected officials to override, with a 2/3 vote, voter initiatives that have restricted the zoning on these parcels.

Parcels upzoned pursuant to the bill cannot be both greater than ten units and benefit from by right approval or a CEQA exemption. This provision could make it more difficult to build projects than under existing law in the instances where a developer could already have built more than ten units on a parcel upzoned by this bill, such as when they assemble multiple parcels or utilize a density bonus. For example, under existing law, supportive housing developments can use a by right process to avoid CEQA review (AB 2162 (Chiu) Chapter 753, Statutes of 2018) and may qualify for additional density that would produce more than ten units (AB 1763 (Chiu), Chapter 666, Statutes of 2019). The Legislature established these benefits to expedite the production of much needed affordable housing units.

According to the Author

"California's massive housing shortage is driving people into poverty and homelessness and threatening our environment, economy, and diversity. SB 10 provides cities with a powerful, fast, and effective tool to allow light-touch density exactly where it should be: near jobs, near public transportation, and in existing urbanized areas. Specifically, SB 10 allows cities, if they choose, to rezone these non-sprawl location for up to ten-unit buildings in a streamlined way without CEQA. Given that cities face significantly increased housing production goals under the revised Regional Housing Needs Assessment (RHNA) and are required by the state Housing Element Law to complete rezonings to accommodate these goals, SB 10 is a powerful new tool for cities to use in their comprehensive planning efforts. SB 10 will help ease California's housing crisis, spurred by a statewide shortage of 3.5 million homes, and move the state away from a sprawl-based housing policy and toward a more sustainable, equitable, and effective housing policy."

Arguments in Support

Supporters of the bill include organizations that support new housing development. They argue that the bill would maintain local control while helping cities address the state's housing shortage and affiliated burdens on lower income households. According to California YIMBY, the

sponsor of the bill, "SB 10 creates a path to adding modest density to address California's housing shortage, preserves significant local control for local jurisdictions, and makes it faster, less expensive, and less risky for a city to undertake a community process to increase density in our communities."

Arguments in Opposition

Opponents of the bill include cities who are concerned that nearby cities will allow more housing without studying the implications to traffic in adjacent cities. According to the City of Beverly Hills, "While this measure seeks to address California's housing crisis by providing local governments with an additional tool to increase housing production in their jurisdictions, it fails to ensure local governments are not able to overturn the democratic will of their residents."

Opponents also include environmental justice organizations who are concerned that bypassing CEQA, when combined with project-specific exemptions, could result in housing being built on toxic or polluted land.

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES

SENATE FLOOR: 27-7-6

YES: Archuleta, Atkins, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hueso, Hurtado, Jones, Laird, Leyva, McGuire, Min, Pan, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener

NO: Allen, Bates, Hertzberg, Ochoa Bogh, Portantino, Stern, Wilk

ABS, ABST OR NV: Becker, Kamlager, Limón, Melendez, Newman, Nielsen

ASM HOUSING AND COMMUNITY DEVELOPMENT: 6-1-1

YES: Chiu, Gabriel, Kalra, Kiley, Quirk-Silva, Wicks

NO: Seyarto

ABS, ABST OR NV: Maienschein

ASM LOCAL GOVERNMENT: 6-1-1

YES: Aguiar-Curry, Lackey, Ramos, Luz Rivas, Robert Rivas, Voepel

NO: Boerner Horvath

ABS, ABST OR NV: Bloom

UPDATED

VERSION: July 5, 2021

CONSULTANT: Steve Wertheim / H. & C.D. / (916) 319-2085

FN: 0000973



SB-10 Planning and zoning: housing development: density. (2021-2022)

SHARE THIS:



Date Published: 07/05/2021 09:00 PM

AMENDED IN ASSEMBLY JULY 05, 2021

AMENDED IN ASSEMBLY JUNE 24, 2021

AMENDED IN ASSEMBLY JUNE 14, 2021

AMENDED IN SENATE MAY 26, 2021

AMENDED IN SENATE APRIL 27, 2021

AMENDED IN SENATE APRIL 13, 2021

AMENDED IN SENATE MARCH 22, 2021

AMENDED IN SENATE FEBRUARY 24, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 10

Introduced by Senator Wiener
(Principal coauthors: Senators Atkins, Caballero, and Skinner)
(Principal coauthor: Assembly Member Robert Rivas)
(Coauthor: Assembly Member Wicks)

December 07, 2020

An act to add Section 65913.5 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as amended, Wiener. Planning and zoning: housing development: density.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing.

This bill would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a

height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local-voter initiative that designates publicly owned land as open-space land or for park or recreational purposes.

The bill would impose specified requirements on a zoning ordinance adopted under these provisions, including a requirement that the zoning ordinance clearly demarcate the areas that are subject to the ordinance and that the legislative body make a finding that the ordinance is consistent with the city or county's obligation to affirmatively further fair housing. The bill would require an ordinance to be adopted by a $\frac{2}{3}$ vote of the members of the legislative body if the ordinance supersedes any zoning restriction established by local-voter initiative.

The bill would prohibit an ordinance adopted under these provisions from reducing the density of any parcel subject to the ordinance and would prohibit a legislative body from subsequently reducing the density of any parcel subject to the ordinance. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from the California Environmental Quality Act, except as specified.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65913.5 is added to the Government Code, to read:

65913.5. (a) (1) Notwithstanding any local restrictions on adopting zoning ordinances enacted by the ~~jurisdiction, including restrictions enacted by a local voter initiative~~, *jurisdiction* that limit the legislative body's ability to adopt zoning ordinances, *including, subject to the requirements of paragraph (4) of subdivision (b), restrictions enacted by local initiative*, a local government may adopt an ordinance to zone a parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in one of the following:

(A) A transit-rich area.

(B) An urban infill site.

(2) A local government shall not adopt an ordinance pursuant to this subdivision on or after January 1, 2029. However, the operative date of an ordinance adopted under this subdivision may extend beyond January 1, 2029.

(3) An ordinance adopted in accordance with this subdivision, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that zoning ordinance, shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(4) Paragraph (1) shall not apply to either of the following:

(A) Parcels located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This paragraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(B) Any local restriction enacted or approved by a local-voter initiative that designates publicly owned land as open-space land, as defined in subdivision (h) of Section 65560, or for park or recreational purposes.

(b) A legislative body shall comply with all of the following when adopting a zoning ordinance pursuant to subdivision (a):

(1) The zoning ordinance shall include a declaration that the zoning ordinance is adopted pursuant to this section.

(2) The zoning ordinance shall clearly demarcate the areas that are zoned pursuant to this section.

(3) The legislative body shall make a finding that the increased density authorized by the ordinance is consistent with the city or county's obligation to affirmatively further fair housing pursuant to Section 8899.50.

(4) If the ordinance supersedes any zoning restriction established by a local ~~voter~~ initiative, the ordinance shall only take effect if adopted by a two-thirds vote of the members of the legislative body.

(c) (1) Notwithstanding any other law that allows ministerial or by right approval of a development project or that grants an exemption from Division 13 (commencing with Section 21000) of the Public Resources Code, a residential or mixed-use residential project consisting of more than 10 new residential units on one or more parcels that are zoned pursuant to an ordinance adopted under this section shall not be approved ministerially or by right and shall not be exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) This subdivision shall not apply to a project located on a parcel or parcels that are zoned pursuant to an ordinance adopted under this section, but subsequently rezoned without regard to this section. A subsequent ordinance adopted to rezone the parcel or parcels shall not be exempt from Division 13 (commencing with Section 21000) of the Public Resources Code. Any environmental review conducted to adopt the subsequent ordinance shall ~~be based on~~ *consider the change in* the zoning applicable to the parcel or parcels before they were zoned or rezoned pursuant to the ordinance adopted under this section.

(3) The creation of up to two accessory dwelling units and two junior accessory dwelling units per parcel pursuant to Sections 65852.2 and 65852.22 of the Government Code shall not count towards the total number of units of a residential or mixed-use residential project when determining if the project may be approved ministerially or by right under paragraph (1).

(4) A project may not be divided into smaller projects in order to exclude the project from the prohibition in this subdivision.

(d) (1) An ordinance adopted pursuant to this section shall not reduce the density of any parcel subject to the ordinance.

(2) A legislative body that adopts a zoning ordinance pursuant to this section shall not subsequently reduce the density of any parcel subject to the ordinance.

(e) For purposes of this section:

(1) "High-quality bus corridor" means a corridor with fixed route bus service that meets all of the following criteria:

(A) It has average service intervals of no more than 15 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. and 7 p.m., inclusive, on Monday through Friday.

(B) It has average service intervals of no more than 20 minutes during the hours of 6 a.m. to 10 ~~a.m.~~ *p.m.*, inclusive, on Monday through Friday.

(C) It has average intervals of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

(2) "Transit-rich area" means a parcel within one-half mile of a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or a parcel on a high-quality bus corridor.

(3) "Urban infill site" means a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(f) The Legislature finds and declares that ~~ensuring the adequate production of affordable housing~~ *provision of adequate housing, in light of the severe shortage of housing at all income levels in this state*, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

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CALAFCO Daily Legislative Report as of Wednesday, August 25, 2021

AB 339 (Lee D) Local government: open and public meetings.

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 1/28/2021

Last Amended: 7/5/2021

Status: 8/17/2021-Read second time. Ordered to third reading.

Calendar: 8/26/2021 #100 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

Attachments: AB 339 Fact Sheet

Position: Watch

Subject: Other

CALAFCO Comments: This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services. The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker. The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates. This bill is sponsored by the Leadership Counsel for Justice and Accountability.

The bill was significantly amended on 4-15-21. These amendments removed all state requirements as noted above. Further, they require public participation by phone or internet (with video/audio), and allow agencies to create a registration process for public comments so long as people can register to speak via phone and in person. The amendments remove the blanket requirement to translate the agenda and meeting access information and makes those an on-request requirements. The amendments also remove the blanket requirement for agencies to have sufficient qualified bilingual translators during meetings and changes that requirement to on-request, and requires agencies to make public the process to make such a request. All requirements remain unfunded mandates.

Amended on 5-4-21 as a result of the ALGC hearing, this version of the bill now:

- Limits the bill's applicability to the meetings of city councils and county boards of supervisors only, the jurisdictions of which contain a population of at least 250,000 people;
- Requires public access via telephone OR internet (not both);
- Removes language requiring two-way operability for internet;
- Removes all language translation requirements;
- Removes language allowing local agencies to require members of the public to register in order to provide public comment;
- Removes language allowing teleconferencing to be used by members of the legislative body (to avoid inadvertently

precluding the use of teleconferencing by the public);

- Refines language referring to “all meetings” to state “all open and public meetings” (to ensure closed sessions are not subject to the provisions of the bill);
- Restores current law allowing public comment before an agenda item is taken up; and,
- Adds a sunset date of December 31, 2023.

As amended 6/25/21 - The bill requires a city or county with over 250,000 to conduct public meetings with a two-way telephone or internet option for the public. It also requires them, if as of 6-15-21 the agency has provided video streaming of their public meetings, to continue to do so. Also requires the agency to provide in-person public comment unless the law prohibits in-person gatherings. UPDATE: The 7/5/21 amendment specifies that the agency shall continue to provide streaming if they have conducted at least one (not all) meeting in that manner as of 6-15-21.

AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 7/6/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Last Amended: 7/6/2021

Status: 7/15/2021-Read second time. Ordered to third reading.

Calendar: 8/26/2021 #62 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

Attachments: AB 361 Fact Sheet

Position: Support

Subject: Brown Act

CALAFCO Comments: Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecon.

As amended on 4/6/21, the bill now specifies that the new statute can be applied if meeting in person presents imminent risk to the health & safety of attendees; Requires the agenda to provide opportunity for anyone to attend via call-in or internet option; should there be a service disruption that prevents remote public participation, the agency must take no further action on any agenda item until service is restored; the agency cannot require submittal of public comments in advance of the meeting; and requires the legislative body, every 30 days after the initial declaration of

emergency, should the emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings.

As amended on 5-10-21, the amendments tighten restrictions for in-person meetings to only the determination that meeting in person presents imminent risk to the health and safety of attendees (removing the option to consider if attendance by one of more members of the legislative body is hindered).

UPDATE: As amended 7/6/21, the bill now only applies to state declared emergencies; adds specific requirements for making accommodations for various types of public comment processes during local government meetings; adds a sunset date of 1-1-24; and allows agencies to use telecon methods to meet and specifies requirements for those meetings. This bill is sponsored by the CA Special Districts Association (CSDA). The bill is not marked fiscal.

AB 703 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 4/29/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Last Amended: 4/29/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021)(May be acted upon Jan 2021)

Summary: Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction). Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies. The bill is sponsored by Three Valleys Municipal Water Agency.

AB 1195 (Garcia, Cristina D) Drinking water.

Current Text: Amended: 5/24/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/24/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 6/9/2021)(May be acted upon Jan 2022)

Summary: Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would

prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

Attachments: AB 1195 Fact Sheet

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments. The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

AB 1581 (Committee on Local Government) Local government: omnibus.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 3/9/2021

Last Amended: 4/19/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 31, Statutes of 2021.

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies

designed to promote the logical and orderly development of areas within each sphere. Current law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a). As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

SB 810 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 36, Statutes of 2021.

Summary:

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 811 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 37, Statutes of 2021.

Summary: This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 812 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 38, Statutes of 2021.

Summary: This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

AB 1250 (Calderon D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Last Amended: 7/5/2021

Status: 8/16/2021-In committee: Referred to suspense file.

Calendar: 8/26/2021 Upon adjournment of Session - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS SUSPENSE, PORTANTINO, Chair

Summary: The California Safe Drinking Water Act provides for the operation of public water systems, which include small community 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 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the Public Utilities Commission through an order authorizing the water or sewer system corporation to consolidate with a small community water system or state small water identified as failing or at risk of failing by the state board.

Attachments: AB 1250 Fact Sheet 2021

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: The intent of the bill is to prescribe response timelines for the PUC in terms of processing consolidations. This bill creates the Consolidation for Safe Drinking Water Act of 2021. The bill allows a water or sewer corp to file an application with the Public Utilities Commission (PUC) to approval to consolidate with a public or state small system. The bill requires the PUC to act on the application within 8 months of receipt. If a consolidation is valued at \$5 million or less, the water or sewer corp can file an advise letter and get the PUC approval via resolution. In this instance, the PUC has 120 days to act on the request. The bill also give the PUC authority to designate a different procedure to request consolidation for systems valued less than \$5M.

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process. The bill is sponsored by the California Water Association and does not have an impact on LAFCos. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

The amendments on 5/24/21 establish the Consolidation For Safe Drinking Water Fund, with all moneys available, upon appropriation, going to the PUC in order to process the applications and cover any associated regulatory costs, and requires a water or sewer system corporation to pay a fee of \$10,000 when filing an application pursuant to the above provision and requires the fee to be deposited into the fund.

UPDATE: The 7/5/21 amendments change the type of system focused for consolidation from public to small community. Also adds the ability to consolidate systems to include state small systems, and no longer requires the consolidation to be into a public system. Also extended the PUC timeline to approve or deny an application for consolidation from 8 to 12 months.

SB 403 (Gonzalez D) Drinking water: consolidation.

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 7/5/2021

Status: 7/14/2021-July 14 set for first hearing. Placed on suspense file.

Calendar: 8/26/2021 Upon adjournment of Session - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS
SUSPENSE, GONZALEZ, LORENA, Chair

Summary: The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would revise those consolidation provisions, including, among other revisions, authorizing the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

Attachments: SB 403 Fact Sheet 2021

Position: Neutral

Subject: Disadvantaged Communities, Water

CALAFCO Comments: Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended. The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill. CALAFCO's position letter is also posted there.

Specific to SB 403, we requested 3 amendments: (1) Define "at risk"; (2) Add a requirement for the SWRCB to consult with GSAs when considering a domestic well consolidation; and (3) Put a cap on the number of users to be added by the subsuming system or the extent to which the service is being extended. Additionally, CALAFCO recommended a comprehensive review of the current mandatory consolidation process citing a host of issues the current process creates.

As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. It also puts a cap of 3,300 or fewer connections on systems that can be subsumed. These amendments address 2 of our 3 requested amendments. We will continue to work with the author on requiring the SWRCB to consult with GSAs on wells.

Amends from 6/8/21 add a requirement for the Water Board to consult with GSAs. This is the last remaining amendment requested by CALAFCO so we have removed our opposition and gone to Neutral. The other amendment in this version simply reorders a subsection with no substantive impacts.

UPDATE: Amended on 7/5, the bill now requires the water board to consult with the potentially receiving water system and adds language that specifies the input allowed by that system (amendments requested by ACWA and granted during the ALGC hearing).

AB 11 (Ward D) Climate change: regional climate change authorities.

Current Text: Amended: 1/21/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 1/21/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)

Summary: Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

Attachments: AB 11 Fact Sheet

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill. UPDATE 3/17/21: CALAFCO learned from the author's office they do not intend to move the bill forward, but instead work with Assm. Mullin on AB 897 and merge the two bills.

AB 473 (Chau D) California Public Records Act.

Current Text: Amended: 8/16/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Last Amended: 8/16/2021

Status: 8/17/2021-Read second time. Ordered to third reading.

Calendar: 8/26/2021 #128 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2138 from 2020 that did not move forward. According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA. UPDATE: Amendments of 8/16/21 are to insert enactment clause relating to AB 386, AB 562 and AB 823.

AB 474 (Chau D) California Public Records Act: conforming revisions.

Current Text: Amended: 8/16/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Last Amended: 8/16/2021

Status: 8/17/2021-Read second time. Ordered to third reading.

Calendar: 8/26/2021 #129 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Would enact various conforming and technical changes related to another bill, AB 473, which recodifies and reorganizes the California Public Records Act. This bill would only become operative if AB 473 is enacted and reorganizes and makes other nonsubstantive changes to the California Public Records Act that become operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

AB 897 (Mullin D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Current Text: Amended: 7/14/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 7/14/2021

Status: 8/16/2021-In committee: Referred to suspense file.

Calendar: 8/26/2021 Upon adjournment of Session - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS SUSPENSE, PORTANTINO, Chair

Summary: Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments: AB 897 Fact Sheet

Position: Support

Subject: Climate Change

CALAFCO Comments: As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so. This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

UPDATE: Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning documents to be used in the creation of guidelines.

AB 903 (Frazier D) Los Medanos Community Healthcare District.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

Summary: Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory. UPDATE: The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

AB 959 (Mullin D) Park districts: ordinances: nuisances: abatement.

Current Text: Amended: 8/16/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 8/16/2021

Status: 8/17/2021-Read second time. Ordered to third reading.

Calendar: 8/26/2021 #126 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Current law requires the board of directors to act only by ordinance, resolution, or a motion duly recorded in the minutes of the meeting. This bill would authorize the board of directors of a district, by ordinance, to declare an encroachment onto district lands constitutes a nuisance.

Attachments: AB 959 Fact Sheet

Position: Watch

CALAFCO Comments: As introduced, this bill gives authority to independent regional park & open space districts governed by PRC 5500 to: (1) Declare by ordinance what constitutes a public nuisance; (2) Abate those public nuisances by either administrative or civil actions; and (3) Ability to recover costs incurred in abating the public nuisance, including attorneys' fees. There are 4 of these independent special districts: (1) Midpeninsula Regional Open Space District; (2) East Bay Regional Park District; (3) Monterey Peninsula Regional Park District; and (4) Napa County Regional Park and Open Space District. A fact sheet is posted in the tracking section of the bill.

As amended on 5-10-21, the bill requires the district Board to adopt an ordinance declaring what constitutes a nuisance. It authorizes the district to initiate civil action and recover damages.

The amendments of 7/6/21 do several things: (1) change the definition of nuisance to an encroachment onto district land; (2) allows the district to establish nuisance abatement procedures upon adoption of an ordinance; (3) specifies the requirements of the nuisance abatement procedures; and (4) still allows the district to collect abatement costs with a clearly defined process. UPDATE: The amendments of 8/16/21 are minor in nature and add language requiring hearing notification to and certain responsibilities for the party who is responsible for the nuisance.

AB 975 (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.

Current Text: Amended: 5/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/18/2021

Status: 6/1/2021-Ordered to inactive file at the request of Assembly Member Luz Rivas.

Summary: The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

Position: Watch

Subject: FPPC

CALAFCO Comments: As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

AB 1021 (Mayes I) Imperial Irrigation District.

Current Text: Amended: 8/19/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 8/19/2021

Status: 8/24/2021-Read second time. Ordered to third reading.

Calendar: 8/26/2021 #163 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Would require the local agency formation commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of options for providing continued publicly owned and managed electrical service in perpetuity to the Imperial Irrigation District's electrical service area, as defined, customers and options for alternative governance structures that would extend voting rights to registered voters who reside within the Imperial Irrigation District electrical service area to provide for proportional representation on a governing board that will have primary jurisdiction on all electrical service matters, as specified. The bill would require the study to be published no later than July 1, 2022. By imposing new duties on the specified local agency formation commissions, the bill would impose a state-mandated local program.

Attachments: CALAFCO Oppose Unless Amended 5-26-21

Position: Oppose unless amended

Subject: Special Districts Governance

CALAFCO Comments: As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights and options for providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

CALAFCO met with the author's staff on March 18 to discuss concerns on the bill, with input from Riverside and Imperial

LAFcos (who will meet with the author's office as well). Concerns include: (1) The unfunded mandate and timing of the study; (2) As representation in the Riverside County service area is the issue, governance structure should also be a part of the study; (3) Section 21562.6 of the Water Code as added is far too vague. CALAFCO offered specific suggestions for clarification in this section.

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district). The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

As amended on 4/19/21, the bill makes substantive changes including: (1) Requires state funding for the study and prescribes an 18-month timeline for completion upon receipt of funds; (2) Adds study content of options for governance structure of the district; (3) Changes the number from 3 to 1 of nonvoting board members appointed to the district Board; and (4) Specifies requirements for the appointment.

The amendments of 5/24/21 remove the funding for the special study, making it an unfunded mandate. The bill also now requires the study to be completed by 7-1-23. As a result of the funding removal and the concerning precedent setting nature of requiring LAFCo to conduct a special study without funding, CALAFCO has taken an OPPOSE UNLESS AMENDED position requesting funding be restored.

As amended 7/1/21, the bill: (1) has an urgency clause; (2) requires the study to be completed by 7-1-22 (instead of 7-1-23), and (3) removes voting rights from the study. There is still no funding written into the bill, although budget trailer bill SB 129 contains the appropriation. As the appropriation of \$500,000 goes directly to the County of Riverside, a process by which both LAFcos receive that funding must be established and outlined within the text of the bill. CALAFCO will remain opposed until that is completed.

The amendments of 8/16/21 add specificity to the study requirements; adds an effective date to section 21562.6 (1-1-23); adds the the newly added Board of Director is specific to electrical issues of the district; requires the district's general counsel to determine which issues coming before the board are electrical-related; provides a term end date for the electrical service board member should the district no longer serve 60%+ customers within the electrical service area; and adds a definition for "electrical issue".

UPDATE: The amendments of 8/19 completely removed everything in the bill except the requirement for Riverside and Imperial LAFcos to conduct the joint study. The bill still have no funding language in to so we will retain our Oppose Unless Amended position.

AB 1053 (Gabriel D) City selection committees: County of Los Angeles: quorum: teleconferencing.

Current Text: Amended: 4/20/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/20/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/18/2021)(May be acted upon Jan 2021)

Summary: Current law creates a city selection committee in each county that consists of 2 or more incorporated cities for the purpose of appointing city representatives to boards, commissions, and agencies. Under current law, a quorum for a city selection committee requires a majority of the number of the incorporated cities within the county entitled to representation on the city selection committee. Current law requires a city selection committee meeting to be postponed or adjourned to a subsequent time and place whenever a quorum is not present at the meeting. This bill, for

the city selection committee in the County of Los Angeles, would reduce the quorum requirement to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to items that appeared on the immediately preceding agenda where a quorum was not established.

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 3/18/21, the bill reduces the quorum requirement for a city selection committee to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to replicate the meeting for which a quorum was not established. The bill also authorizes a city selection committee to conduct their meetings by teleconference and electronic means. The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

UPDATE AS OF 4/21/21 - As amended on 4/20/21, the scope of the bill is significantly narrowed to apply only to the County of Los Angeles' City Selection Committee. This amendment resolves CALAFCO's concerns and we have removed our opposition and will retain a Watch position. CALAFCO's letter of opposition removal is posted in the bill detail area.

AB 1246 (Nguyen R) Community services districts.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2021)(May be acted upon Jan 2021)

Summary: Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch

CALAFCO Comments: This is a spot bill.

AB 1295 (Muratsuchi D) Residential development agreements: very high fire risk areas.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/4/2021)(May be acted upon Jan 2021)

Summary: Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

Attachments: AB 1295 Fact Sheet

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022.

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area. The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

SB 10 (Wiener D) Planning and zoning: housing development: density.

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 7/5/2021

Status: 8/23/2021-Read third time. Passed. (Ayes 41. Noes 9.) Ordered to the Senate.

Summary: Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

Position: Watch

Subject: Housing

CALAFCO Comments: While not directly affecting LAFcos, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b). The amendments on 5/26 prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from CEQA, except as specified, and repeal these provisions on January 1, 2029. The 6/24/21 amendments prohibit an ordinance adopted pursuant to the provisions in this bill from superseding any local restrictions brought about by a local voter initiative; requires an ordinance to be adopted by 2/3 vote of the governing body if the ordinance supersedes any zoning restriction established by a local voter initiative; and completely removes SECTION 1 (the addition of Sec. 4752 to the Civil Code).

UPDATE: The 7/5/21 amendments remove the requirements added on 6/24 pertaining to zoning restrictions that a local initiative be a voter initiated initiative. Also makes minor changes to the timing of the bus corridor criteria.

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

Current Text: Amended: 7/1/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 7/1/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

Summary: Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Position: Watch

Subject: Growth Management, Planning

SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.

Current Text: Enrolled: 8/20/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 6/28/2021

Status: 8/19/2021-Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.

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 requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

Attachments: CALAFCO Oppose Unless Amended letter May 2021

Position: Oppose unless amended

Subject: CKH General Procedures

CALAFCO Comments: This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2)

Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

As amended on 5-11-21, all requested technical amendments were made, however the intent of the pilot program has changed with the addition of 56133.6 and Napa LAFCo's ability to approve extension of service for parcels that do not meet the pilot program's requirement of planned use as defined in 56133.5. For this reason, CALAFCO is opposed unless amended, requesting the removal of 56133.6. Our letter is in the bill detail section.

SB 55 (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses.

Current Text: Amended: 4/5/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 4/5/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/3/2021)(May be acted upon Jan 2022)

Summary: Would, in furtherance of specified state housing production, sustainability communities strategies, greenhouse gas reduction, and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury, or death, as specified. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

Attachments: SB 55 Fact Sheet

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill.

As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary and appropriate wildfire preventions and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates.

This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

SB 96 (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.

Current Text: Introduced: 12/21/2020 [html](#) [pdf](#)

Introduced: 12/21/2020

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 1/28/2021)(May be acted upon Jan 2022)

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 existing 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. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides 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. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

CALAFCO is working with the sponsors of the bill and the SGFC on a broader solution to this problem, which is not exclusive to this district.

SB 261 (Allen D) Regional transportation plans: sustainable communities strategies.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021)(May be acted upon Jan 2022)

Summary: current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Position: Watch

Subject: Sustainable Community Plans

SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.

Current Text: Amended: 6/21/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Last Amended: 6/21/2021

Status: 8/23/2021-Ordered to special consent calendar.

Calendar: 8/26/2021 #233 SENATE SPECIAL CONSENT CALENDAR NO.

Summary: Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, as defined, 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. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Attachments: SB 273 Fact Sheet

Position: Support

Subject: Municipal Services

CALAFCO Comments: This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact. UPDATE: The amendment of 6/21/21 adds a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCO, as requested by CALAFCO. The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

SB 274 (Wieckowski D) Local government meetings: agenda and documents.

Current Text: Amended: 4/5/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Last Amended: 4/5/2021

Status: 8/23/2021-Read third time. Passed. (Ayes 60. Noes 0.) Ordered to the Senate.

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 local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Attachments: SB 274 Fact Sheet

Position: Support

Subject: Public Records Act

CALAFCO Comments: This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill.

SB 475 (Cortese D) Transportation planning: sustainable communities strategies.

Current Text: Amended: 3/10/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 3/10/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021)(May be acted upon Jan 2022)

Summary: Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan's consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.

Position: Watch

Subject: Sustainable Community Plans

SB 499 (Leyva D) General plan: land use element: uses adversely impacting health outcomes.

Current Text: Introduced: 2/17/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)

Summary: Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

Attachments: SB 499 Fact Sheet

Position: Watch

Subject: Disadvantaged Communities

CALAFCO Comments: As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty. The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

SB 574 (Laird D) Agricultural preserves: Williamson Act.

Current Text: Enrolled: 8/20/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 3/4/2021

Status: 8/19/2021-Read third time. Passed. (Ayes 73. Noes 0.) Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

Summary: Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as

specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

Position: Watch

CALAFCO Comments: This bill narrows the role of Department of Conservation (DOC) in administering the Williamson Act. It does not change other provisions in the Act except for lessening reporting requirements by local governments to the DOC. The bill repeals the ability of the DOC to agree on a cancellation value for contracted land with a landowner, along with the requirement that the department provide a preliminary valuation to the applicable assessor, and repeals the requirement that the DOC approve cancellation of a farmland security contract. The bill also repeals and narrows reporting requirements by requiring the DOC to post all local government reports on Williamson Act lands/contracts on its website rather than create a report and submit to the Legislature. The bill also repeals certain reporting requirements by local governments (cities and counties) to the DOC regarding Williamson Act contracts.

As amended on 3/4/21, the bill requires cities/counties to file annual maps on Act lands; and removes the requirement for state approval for the amount of security to be paid when paying cancellation fee.

CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

SB 813 (Committee on Governance and Finance) Local Government Omnibus Act of 2021.

Current Text: Amended: 6/21/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Last Amended: 6/21/2021

Status: 8/23/2021-Ordered to special consent calendar.

Calendar: 8/26/2021 #235 SENATE SPECIAL CONSENT CALENDAR NO.

Summary: Current law provides that a person who has made an offer to purchase an interest in an undivided-interest subdivision, as specified, and not exempted, has the right to rescind any contract resulting from the acceptance of that offer during a specified timeframe. Current law defines and describes the terms “subdivided lands” and “subdivision” for these purposes. Current law requires any person who intends to offer subdivided lands for sale or lease, as specified, to file with the Bureau of Real Estate an application for a public report consisting of, among other things, a notice of intention and a completed questionnaire. Current law exempts the proposed sale or lease of those lots or other interests in a subdivision that are limited to industrial or commercial uses by law or by a declaration of covenants, conditions, and restrictions that has been recorded in the official records of the county or counties in which the subdivision is located from certain of those provisions relating to the filing of a report with the Bureau of Real Estate and sales contracts. This bill would instead exempt the proposed sale or lease of those lots or other interests from all provisions as specified.

Position: Watch

CALAFCO Comments: This is the annual Senate Governance & Finance Committee Omnibus bill.

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State Water Resources Control Board Division of Drinking Water

August 18, 2021

System No. CA5400641

Martin Correa, Board President
Teviston Community Service District
12934 Avenue 80
Pixley, CA 93256

**RE: RESPONSE TO 1st STEP OF ADMINISTRATOR PROCESS
TEVISTON COMMUNITY SERVICES DISTRICT (CA5400641)**

Dear Mr. Correa,

The State Water Resources Control Board (State Water Board) received an email response dated August 2, 2021 providing comment on the July 16, 2021 letter issued to Teviston Community Services District (Teviston CSD) as the first step in designating Teviston CSD as a public water system in need of an administrator. Thank you for this response. The purpose of this letter is to inform you that after consideration of your comments, State Water Board staff will continue to move forward with the designation process for Teviston CSD.

The State Water Board recognizes the effort Teviston CSD has exhibited in recent years to maintain the water system, but various issues within Teviston CSD remain a concern for the State Water Board. The following outstanding violations remain unaddressed:

- 1) Teviston CSD has failed to comply with the 1,2,3-trichloropropane (1,2,3-TCP) maximum contaminant level (MCL) in accordance with California Code of Regulations (CCR), Title 22, Section 64444. Compliance Order No. 03-24-18R-012, issued on April 27, 2018, directed Teviston CSD to return to compliance with the 1,2,3-TCP MCL by April 30, 2021 (Attachment A). Teviston CSD has also failed to comply with directives of the compliance order to submit reoccurring Quarterly Public Notification, Proof of Public Notification, and Progress Report to the State Water Board. Teviston CSD failed to submit Quarterly Public Notification and Proof of Public notification from the third quarter of 2018 to third quarter of 2020. Teviston CSD has continuously failed to submit Quarterly Progress Reports since the second quarter of 2018.

- 2) Teviston CSD has failed to submit the 2020 Annual Report to the State Water Board. Citation No. 03-24-21C-052, issued on July 1, 2021, directed Teviston CSD to submit the 2020 Annual Report by July 9, 2021 (Attachment B). To date, the report has not been submitted.
- 3) Teviston CSD has failed to submit the drought reports to the State Water Board, as required in Drought Order No. 03-24-21D-001 issued on June 30, 2021 (Attachment C). Reports are required to be submitted weekly with the first report being due on July 14, 2021. To date, no reports have been submitted.

In addition to the current unresolved violations, Teviston CSD has also demonstrated failure to:

- 1) Submit the 2015 Consumer Confidence Report to the State Water Board. Enforcement Letter No. 03-24-17E-027 was issued on February 6, 2017 (Attachment D).
- 2) Comply with directives of the 2016 Sanitary Survey Report (Attachment E). Teviston CSD failed to submit a Bacteriological Sample Siting Plan and Operations Plan to the State Water Board.
- 3) Submit the Lead Service Line Directory Form to the State Water Board. Citation No. 03-24-18C-096 was issued on September 4, 2018 (Attachment F).
- 4) Comply with the total coliform MCL for August 2018. Citation No. 03-24-18C-114 was issued on September 19, 2018 (Attachment G). Teviston CSD also failed to comply with directives requiring the water system to notify their customers of the violation and submit the Public Notification, Proof of Public Notification, and Notification of Receipt to the State Water Board.
- 5) Comply with directives of the 2018 Sanitary Survey Report (Attachment H). Teviston CSD failed to submit a Possible Contaminating Activities Checklist and Well Data Sheet for Well 03 to the State Water Board. Teviston CSD also failed to submit the lead and copper sample tap monitoring results and a complete Lead and Copper Tap Sample Results Reporting Form for monitoring period 3Y2016-2018 to the State Water Board.
- 6) Submit the 2018 Annual Report to the State Water Board. Citation No. 03-24-19C-052 was issued on July 1, 2019 (Attachment I). Teviston CSD failed to comply with the directive of the citation to submit the Notification of Receipt to the State Water Board.

- 7) Monitor in accordance with CCR, Title 22, Section 64432 for 1,2,3-TCP. Citation No. 03-24-19C-039 was issued on April 22, 2019 for failure to monitor during the first quarter of 2019 (Attachment J). Citation No. 03-24-20C-044 was issued for failure to monitor during the first quarter of 2020 on June 5, 2020 (Attachment K). Teviston CSD failed to comply with directives of both citations requiring the water system to notify their customers of the violation and submit the Public Notification, Proof of Public Notification, and Notification of Receipt to the State Water Board.
- 8) Comply with directives of the 2020 Sanitary Survey Report (Attachment L). Teviston CSD failed to submit photos addressing issues identified in the sanitary survey and monitor Well 03 for general mineral, general physical, and inorganic chemicals. Teviston CSD also failed to submit a complete Lead and Copper Tap Sample Results Reporting Form for monitoring period 3Y2016-2018 to the State Water Board.
- 9) Properly maintain water infrastructure. Teviston CSD has experienced multiple well failures.
- 10) Provide an adequate supply of safe drinking water to Teviston CSD customers. Recurring water outages have led to multiple Boil Water Notices (BWNS) issued to Teviston CSD customers. Mechanical failures of Well 02 from 2014 to 2017 resulted in water outages until Well 02 completely failed in 2017. Mechanical and well and pump failures led to water outages in Well 03 in February 2020 and June 2021.
- 11) Maintain storage capacity or a redundant source of supply or an emergency source connection to meet Teviston CSD's maximum day demand (MDD), in accordance with CCR, Title 22, Section 64554.
- 12) Maintain backup power supply to protect against power outages.

The noted failures above have led to significant concerns about the technical, managerial, and financial (TMF) capacity of Teviston CSD to adequately manage the water system. TMF capacity includes the ability to consistently provide a reliable source of safe drinking water to meet current and future demand. Teviston CSD provides water from a sole source in violation of the 1,2,3-TCP MCL and does not meet storage requirements, which will not provide an adequate supply of safe drinking water to customers within new developments. Maintenance and replacement of water infrastructure is a necessary aspect of TMF capacity to operate a public water system. Teviston CSD has not demonstrated adequate maintenance of the water system's infrastructure. Additionally, adequate stakeholder communication, organization, and staff are all indications of high

TMF capacity. Teviston CSD has failed to provide the State Water Board required documents, submit public notices, and monitor for constituents on multiple occasions. Lastly, Teviston CSD has failed to demonstrate revenue sufficiency and fiscal management and controls, which are aspects of TMF capacity necessary to cover the water system's total cost and any maintenance or unexpected issues.

The next step of the administrator process is a public meeting informing all ratepayers, renters, and property owners of the State Water Board's intention to appoint an administrator to Teviston CSD and receive public input. Teviston CSD may share their perspective with the community during the public meeting. Additional information will be provided once the public meeting is scheduled. Formal appointment of an administrator to Teviston CSD will occur when a legal order is issued by the State Water Board.

If you have any questions regarding this letter, please contact Reyna Rodriguez at Reyna.Rodriguez@waterboards.ca.gov. Due to our current COVID-19 response, email is the best correspondence method.

Sincerely,

Karen Nishimoto, P.E.
Senior Water Resource Control Engineer, Southern Engagement Unit
State Water Resources Control Board, Division of Drinking Water

Attachments:

- A. Compliance Order No. 03-24-18R-012
- B. Citation No. 03-24-21C-052
- C. Order No. 03-24-21D-001
- D. Enforcement Letter No. 03-24-17E-027
- E. 2016 Sanitary Survey Report
- F. Citation No. 03-24-18C-096
- G. Citation No. 03-24-18C-114
- H. 2018 Sanitary Survey Report
- I. Citation No. 03-24-19C-052
- J. Citation No. 03-24-19C-039
- K. Citation No. 03-24-20C-044
- L. 2020 Sanitary Survey Report

cc: Bryan Potter, Tulare District Engineer
Division of Drinking Water
Bryan.Potter@waterboards.ca.gov

Tricia Wathen, Central California Section Chief
Division of Drinking Water
Tricia.Wathen@waterboards.ca.gov

Ben Giuliani, Executive Officer
Tulare County LAFCo
bGiuliani@tularecog.org

Supervisor Pete Vander Poel III, District 2
Tulare County Board of Supervisors
pvanderpoel@tularecounty.ca.gov

Mayra Campa, District Representative
State Senator Melissa Hurtado
Mayra.Campa@sen.ca.gov

State Water Resources Control Board Division of Drinking Water

August 23, 2021

Water System No. 5410003

Daymon Qualls, Public Works Director
City of Exeter
350 W. Firebaugh Avenue
Exeter, CA 93221

Dear Mr. Qualls,

This letter concerns the current and future operations of Tooleville Mutual Non-Profit Water Association (Tooleville). The State Water Resources Control Board's (State Water Board), Division of Drinking Water (Division) has concerns regarding Tooleville's current and historic deficiencies and the ongoing and future ability of Tooleville to provide a safe and affordable supply of drinking water to its customers.

As explained below, the Division is taking the first step towards ordering consolidation of Tooleville with the City of Exeter (City). The first step in this process is to provide a six-month period for the parties to negotiate a voluntary consolidation, pursuant to Section 116682 of the California Health and Safety Code (CHSC). This letter serves as official notification that pursuant to CHSC Section 116682(b), the City of Exeter is to negotiate with Tooleville.

Background

Tooleville is classified as a community public water system with a population of 340 residents, served through 77 service connections. Tooleville provides groundwater to its customers. Tooleville has had historic detections of hexavalent chromium and nitrate. As documented in the following findings, Tooleville consistently fails to provide an adequate supply of safe drinking water.

1. Tooleville has two active sources, Well 01 and Well 02. The Division of Drinking Water issued a Boil Water Notice due to a water outage on July 21, 2021. During the water outage Tooleville relied on bottled water as there are no on-site tanks to deliver hauled water. Water service was returned on July 22, 2021.
2. The State Water Board issued Order No. 03-24-21D-002 on July 7, 2021 requiring technical reporting in response to drought. The State Water Board identified Tooleville as facing a potential future water shortage at their groundwater source. California Health and Safety Code section 116530

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

authorizes the State Water Board to require a public water system to submit a Technical Report to the board, which may include without limitation: water quality information, physical descriptions of the existing water system, information related to drinking water accessibility, and information related to technical, managerial, and financial capacity and sustainability.

3. Tooleville has not maintained adequate pressure throughout its distribution system. Water pressure drops from 50 pounds per square inch (psi) in the mornings to 20 psi by the late afternoon, as measured at the well sites. The pressure is likely lower in the distribution system; however, to date this has not been documented.
4. Tooleville was issued Citation No. 03-24-21C-028 for violation of CHSC 116650(a) and permit provision 8 of Domestic Water Supply Permit No. 03-24-18P-041. Pursuant to CHSC, Section 116650(a) if the State Water Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Water Board may issue a citation to the public water system. Title 22 of the California Code of Regulations (CCR), Section 64561, requires that each water system install a flow meter at a location between each water source and the entry point to the distribution system, meter the quantity of water flow from each source, and record the total monthly production each month.

Pursuant to Domestic Water Supply Permit No. 03-24-18P-041, Provision 8, the Water System shall record production monthly from the active sources and report it annually to the Division via the Electronic Annual Report (EAR). The State Water Board has determined that the Water System failed to install source flow meters based on the information reported to the Division in the 2019 EAR.

5. Tooleville has limited Technical, Managerial, and Financial (TMF) capacity resources and is not sustainable. Tooleville lacks financial capacity and has failed to adequately maintain or replace water system infrastructure as demonstrated by multiple funding requests for needs such as distribution system replacement, pump replacement, bottled water, etc. that have not resulted in long-term sustainability for Tooleville, despite receiving state-funding.

Six Month Period for Voluntary Consolidation

Prior to issuing an order directing the City to consolidate with Tooleville, CHSC Section 116682, subd. (b)(1) requires the State Water Board to encourage voluntary consolidation. Section 116682, subd. (b)(7)(A) also requires the State Water Board to notify both Tooleville and the City and to establish a deadline of no less than six months, unless a shorter period is justified, to negotiate consolidation. **This letter serves as official notification that pursuant to CHSC Section 116682(b), the City is to negotiate with Tooleville regarding consolidation of Tooleville with the City. The deadline for completion of this negotiation is February 23, 2022.** The State Water Board requests that the parties report the outcome of such negotiations to no

later than two weeks following the deadline. This reporting shall include the milestones agreed upon to accomplish consolidation and a timeline for completing them. Additionally, the reporting shall include a letter signed by the City stating that they intend to consolidate voluntarily in accordance with the agreed upon milestones and timelines. If a timely voluntary consolidation cannot be negotiated, the State Water Board will begin the public meeting process and may exercise its authority pursuant to CHSC Section 116682(a) to order consolidation.

The State Water Board acknowledges that consolidation is a complex process and stands ready to assist Tooleville and the City. Pursuant to CHSC Section 116682, subdivision (b)(7)(B), and in order to assist with the negotiation process, the State Water Board will provide technical assistance and work with both Tooleville and the City to develop a financing package that benefits both parties. This assistance will be provided by both the Division and the State Water Board's Division of Financial Assistance, if requested. Please contact Caitlin Juarez (Caitlin.Juarez@waterboards.ca.gov) with any questions you may have.

Michelle F. Frederick, P.E.
Supervising Water Resource Control Engineer
Safe and Affordable Drinking Water Section
State Water Resources Control Board, Division of Drinking Water

cc: copies on the following page

cc:

Reuben Salazar
Tooleville Mutual Non-Profit
2313 E. Morgan
Exeter, CA 93221

Mary Lopez
Tooleville Mutual Non-Profit
145 South D Street
Exeter, CA 93221

City Council Members
c/o Mary Philpot, Mayor
City of Exeter
137 N. F Street P.O. Box 237
Exeter, CA 93221

Adam Ennis, City Administrator
City of Exeter
100 North C Street P.O. Box 237
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Tulare County Board of Supervisors
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Bryan Potter, P.E., District Engineer
SWRCB, Division of Drinking Water
265 W. Bullard Avenue Suite 101
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David Rice, Legal Counsel
SWRCB, Division of Drinking Water
1001 I Street
Sacramento, CA 95814

bc:

Karen Nishimoto, P.E., Southern Engagement Unit Senior Engineer (via email)
SWRCB, Division of Drinking Water
500 North Central Avenue Suite 500
Glendale, CA 91203

Andrew Altevogt, P.E., Assistant Deputy Director (via email)
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SWRCB, Office of Public Participation (via email)
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Meghan Tosney, P.E.
SWRCB, Division of Financial Assistance (via email)
1001 I Street
Sacramento, CA 95814

State Water Resources Control Board Division of Drinking Water

August 23, 2021

Water System No. 5400567

Reuben Salazar, President
Tooleville Mutual Non-Profit Water Association
2313 E. Morgan
Exeter, CA 93221

Dear Mr. Salazar,

This letter concerns the current and future operations of Tooleville Mutual Non-Profit Water Association (Tooleville). The State Water Resources Control Board's (State Water Board), Division of Drinking Water (Division) has concerns regarding Tooleville's current and historic deficiencies and the ongoing and future ability of Tooleville to provide a safe and affordable supply of drinking water to its customers.

As explained below, the Division is taking the first step towards ordering consolidation of Tooleville with the City of Exeter (City). The first step in this process is to provide a six-month period for the parties to negotiate a voluntary consolidation, pursuant to Section 116682 of the California Health and Safety Code (CHSC). This letter serves as official notification that pursuant to CHSC Section 116682(b), Tooleville is to negotiate with the City.

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authorizes the State Water Board to require a public water system to submit a Technical Report to the board, which may include without limitation: water quality information, physical descriptions of the existing water system, information related to drinking water accessibility, and information related to technical, managerial, and financial capacity and sustainability.

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Pursuant to Domestic Water Supply Permit No. 03-24-18P-041, Provision 8, the Water System shall record production monthly from the active sources and report it annually to the Division via the Electronic Annual Report (EAR). The State Water Board has determined that the Water System failed to install source flow meters based on the information reported to the Division in the 2019 EAR.

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later than two weeks following the deadline. This reporting shall include the milestones agreed upon to accomplish consolidation and a timeline for completing them. Additionally, the reporting shall include a letter signed by the Tooleville Board stating that they intend to consolidate voluntarily in accordance with the agreed upon milestones and timelines. If a timely voluntary consolidation cannot be negotiated, the State Water Board will begin the public meeting process and may exercise its authority pursuant to CHSC Section 116682(a) to order consolidation.

The State Water Board acknowledges that consolidation is a complex process and stands ready to assist Tooleville and the City. Pursuant to CHSC Section 116682, subdivision (b)(7)(B), and in order to assist with the negotiation process, the State Water Board will provide technical assistance and work with both Tooleville and the City to develop a financing package that benefits both parties. This assistance will be developed by both the Division and the State Water Board's Division of Financial Assistance, if requested. Please contact Caitlin Juarez (Caitlin.Juarez@waterboards.ca.gov) with any questions you may have.

Michelle F. Frederick, P.E.
Supervising Water Resource Control Engineer
Safe and Affordable Drinking Water Section
State Water Resources Control Board, Division of Drinking Water

cc: Mary Lopez
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145 South D Street
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1001 I Street
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Meghan Tosney, P.E.
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1001 I Street
Sacramento, CA 95814

A message from the Executive Director

Greetings from your CALAFCO Board of Directors and Executive Director. It's summer and a hot one it is.

As the drought continues, wildfires begin to rage, and we continue to deal with the pandemic, we hope everyone is staying healthy and safe

This Third Quarterly Report of 2021 will begin by highlighting the news in our CALAFCO family first, followed by Association updates. Happy reading!

LAFcos in the News

Congratulations on these retirements

We want to congratulate two long-time LAFCo leaders on their retirements. Their contributions to CALAFCO and to LAFcos statewide are far too numerous to list here. Needless to say, they both leave huge shoes to fill and will be greatly missed. We wish them both all the best in their retirement!



After a 33-year career in local government, **Don Lockhart**, Sacramento LAFCo Executive Officer, retired at the end of July. Don began his local government career in Calaveras, then after 12 years at the City of Sacramento (where he processed his first annexation), he joined the Sacramento LAFCo team in

2002. Don became the Executive Officer in 2017. Don also served as CALAFCO Deputy Executive Officer in 2008 and 2011.

Also calling it time to retire this month is Placer LAFCo Executive Officer **Kris Berry**. Her local government career began 36 years ago in Monterey County as a Planner, and after 17 years she joined the Monterey LAFCo team. She's been the Placer LAFCo EO for well over 16 years. Kris also served as CALAFCO Deputy Executive Officer in 2016-17.



Napa LAFCo moved offices



Napa LAFCo recently moved offices. The new address is 1754 Second Street, Suite C, Napa, CA 94559. Executive Officer **Brendon Freeman** thanks **Kathy Mabry**, Commission

Secretary, who he says, "Did most of the heavy lifting in terms of finding the office and coordinating moving logistics".

Sacramento LAFCo Welcomes New Executive Officer

Sacramento LAFCo announced the hiring of **José Henríquez** as the new Executive Officer. Most recently, José was the Executive Officer of El Dorado LAFCo.

El Dorado LAFCo Announces Interim Executive Officer

Erica Sanchez has transitioned to the Interim EO position for El Dorado LAFCo, with the departure of José.



CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

CALAFCO 2021 ANNUAL CONFERENCE

Join us **October 6-8** at the **Hyatt Regency Newport Beach John Wayne Airport** for the 2021 Annual Conference. It's been so long since we've gathered in person and the time is finally here! All Conference details including info about the program, registration and hotel reservations can be found on the CALAFCO website at www.calafco.org.



Deadline to register for the Conference is September 17 and hotel reservation cutoff date is September 6.

CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our members. During the month of August we are featuring a very special 4-part series on **Fire and EMS Agencies: Basics, Challenges and LAFcos' Role & Responsibility**. The first three sessions feature diverse and highly experienced panels that are focusing on the various service models and types of services offered by these unique agencies, how to conduct a thorough evaluation of services, and what's involved in changing contracts (§56134). The final session will present three very different case studies from urban, suburban and rural LAFcos.



Join us on September 1 for another session on *Forming a CSD*. Details for all CALAFCO University courses are on the CALAFCO website.

CALAFCO Board of Directors

CALAFCO BOARD ACTIONS

The Board met virtually on July 30 with a full agenda. Under the leadership of *Chair Mike Kelley*, the Board took a number of actions.



- ✓ **The FY 2020-21 final year-end budget was presented.** The Board received the year-end fiscal report which includes a net balance of \$69,986. For the first time, CALAFCO had to sustain itself solely on member dues as there was no Staff Workshop, Conference or CALAFCO U revenue. Savings were realized in many operational areas.
- ✓ **Updated Policies for Sections III and IV of the current CALAFCO Policies were adopted.** One of the goals for 2021 is to conduct a comprehensive review of CALAFCO Policies, considering two sections per quarter. This is the second of a three-phase update process. The updated policies can be found on the CALAFCO website.
- ✓ **Associate member survey was presented.** CALAFCO recently conducted a survey of our Associate members to get feedback on membership services provided and how we can enhance our partnership value with them. Staff will continue to gather information from our Associate members as we work towards revitalizing and enhancing that program.
- ✓ **The Board received the Legislative Committee report and began discussion on legislative priorities for 2022.** An update on current legislative matters was provided, followed by a discussion about potential legislative priorities for 2022. The Board considered the extension of service proposal it tabled for 2021 and committed to revisit for 2022, along with supporting moving forward the consolidated language of existing protest provisions and an Omnibus bill.

Last quarter we reported to you on the Board's approval of CALAFCO filing an amicus letter to the CA Supreme Court requesting they review the decision in the case of *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach*. The letter was filed and the Court denied the request to review the decision, and further denied the request to de-publish the decision. While the Board acknowledges this is an important and unfavorable decision for LAFCos, there is mixed sentiment amongst LAFCos as to the overall impact of this decision. As a result, there will be

discussion of the matter during the Annual Conference at the legal counsel roundtable and during a topical roundtable breakout session.

- ✓ **Several other reports were received.** Including Elections Committee, Awards Committee, a CALAFCO U update and an update on the Conference.

All Board meeting documents are on the CALAFCO website.

CALAFCO Administrative Update

A reminder to all our members that September 1 is the deadline to remit your CALAFCO dues for FY 2021-22. We are pleased to report that all Associate Members have been transitioned to a FY cycle rather than calendar year cycle and thank them for their patience during that transition.



CALAFCO Legislative Update



This is the first year in the two-year legislative cycle, and wow has it been a busy one so far for CALAFCO.

This year, 2,721 bills were introduced which is about the average number. However, complicating the legislative process this year is the fact the Legislature has compressed their hearing schedule due to a shortage of hearing rooms that allow for social distancing. This means there is not the normal timeframe to negotiate amendments before bills get heard in committee and legislators are being required to seriously prioritize their bills for passage. (Only 12 bills per author were allowed to move from their house of origin to the other house.)

The Legislature returns from summer recess on August 16 and there will be the last minute flurry of amendments and pushing bills through the pipeline. Looming deadlines include: August 27 - last day for fiscal committees to meet and push out bills; September 3 - last day to amend bills on the floor; and September 10 - last day for the Legislature to pass bills. The last day for the Governor to sign bills is October 10, 2021.

This year, more than in past years, CALAFCO has been called on to work with legislators, their staff, and stakeholders in crafting amendments to bills. CALAFCO staff has done a large amount of negotiation on current



and potential legislation, beginning last November and continuing today.

This year alone, four subcommittees were created to work on various bills, including the Caballero water authority bill (never introduced), AB 1195 (C. Garcia), SB 403 (Gonzalez) and SB 96 (Dahle). CALAFCO wishes to thank all the Legislative Committee and Advisory Committee volunteers, and also those who serve on these various subcommittees.

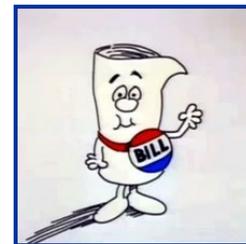
We are currently tracking 33 bills. Here are a few of the bills of importance we are tracking or have worked on:

- ✓ **AB 1581 (Assembly Local Government Committee Omnibus) CALAFCO Sponsor.** The annual Omnibus bill authored by the Assembly Local Government Committee (ALGC) and sponsored by CALAFCO was first introduced on March 9, 2021 and contained four proposals. Amended on April 19, the bill added two proposals originally approved by the Committee that required extended stakeholder review, and seven additional items that were a product of the Protest Working Group, eliminating obsolete special provisions. In total, the Omnibus bill this year contains thirteen (13) proposals. *The bill was signed into law by the Governor on June 28, 2021.*
- ✓ **AB 1195 (C. Garcia) CALAFCO Watch With Concerns.** Drinking water. Creates the So LA County Human Rights to Water Collaboration Act and gives the Water Board authority to appoint a Commissioner to oversee the Central Basin Municipal Water District. CALAFCO worked extensively with staff from both the author and Speaker's offices, as well as other stakeholders on crafting amendments that include a special pilot program for LA LAFCo. The bill passed the Assembly but given substantial pushback from stakeholders, it was *held over in the Senate as a two-year bill.*
- ✓ **SB 403 (Gonzalez) CALAFCO Neutral.** Drinking water consolidation. Authorizes the Water Board to order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined. All three of our requested amendments were accepted by the author and we removed our opposition as a result. After undergoing three rounds of amendments since introduction, the bill passed the Senate and is in the *Assembly Appropriations Suspense file.*
- ✓ **AB 897 (Mullin) CALAFCO Support.** Regional Climate Networks. The bill builds on existing programs through the Governor's Office of Planning and Research (OPR) by promoting regional collaboration in climate adaptation and resilience planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region. CALAFCO requested an amendment to explicitly state LAFCos are eligible entities for

participation in the regional climate networks, which was accepted. *The bill is now awaiting hearing in Senate Appropriations.*

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). CALAFCO's position on all bills is reflected there, and any letters issued by CALAFCO are posted. The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.

Watch for solicitation of legislative proposals for 2022 coming soon!



CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

Economic & Planning Systems (EPS)

EPS is an urban economics consulting firm specializing in governance analysis; LAFCo special studies and service reviews; tax sharing; annexation; incorporation, and reorganization feasibility; fiscal analysis; public finance; demographic and regional forecasting. **EPS** has been an Associate member since June 2005. Learn more about **EPS** and their services at www.epsys.com, or contact **Ashleigh Kanat** at akanat@epsys.com.





Goleta West Sanitary District

A Silver Associate Member since August 2011, **Goleta West Sanitary District** provides wastewater collection and treatment as well as street sweeping services. Formed in 1954, the district serves over 35,000 people. For more information, visit their website at www.goletawest.com, or email their General Manager **Mark Nation** at info@goletawest.com.



LACO Associates

LACO Associates has been a Silver Associate Member since February 2012. **LACO** provides integrated solutions for development, infrastructure and geo-environmental projects. Their services include planning, design, engineering and geo-environmental as well as CEQA compliance, GIS, MSRs and economic studies. For more information visit their website at www.lacoassociates.com, or email **Kevin Doble** at doblek@lacoassociates.com.



Griffith, Masuda & Hobbs

Griffith, Masuda & Hobbs has been a Silver Associate Member since March 2012. Founded in 1920, they specialize in water, energy, environmental and public law matters. They focus on serving public agencies and serve as general counsel or special water counsel to various agencies in the Central Valley. For more information, visit their website at www.calwaterlaw.com or email **David Hobbs** at dhobbs@calwaterlaw.com.

HdL Coren & Cone

HdL Coren & Cone has been a Silver Associate Member since July 2013. They assist local agencies by using property tax parcel data for developing specialized data reports, focused economic development strategies and revenue projections. HdLCC provides services to cities, counties and special districts in the state. For more information, visit them at www.hdlcompanies.com, or email **Paula Cone** at pcone@hdlccpropertytax.com.

Planwest Partners, Inc.

Planwest Partners Inc. has been a Silver Associate Member since August 2014. They provide contract LAFCo staffing services to multiple LAFCos. This includes preparing and conducting MSRs and SOI updates, public noticing, environmental documents, GIS, fiscal and economic studies, website management, application processing, facilitation and training. For more information, visit them at www.planwestpartners.com, or email **George Williamson** at georgew@planwestpartners.com.



CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to continuing to highlight you in future Quarterly Reports. Look for our next update to include short interviews featuring our Associate Members.

Did You Know??

Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents are online?** Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.



CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings are archived on the CALAFCO website and available at no cost for on-demand viewing?** Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first). There are now 30 CALAFCO U courses archived, and 8 webinars are archived and available for on-demand viewing.



IMPORTANT REMINDERS

Deadline to submit Achievement Award nominations is August 13, 2021 at 3:00 p.m.

Deadline to submit Board election nomination packets is September 7, 2021 at 5:00 p.m. and requests for absentee ballots must be received by September 7, 2021 at 5:00 p.m.

Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO U webinar on Fire/EMS Agency series – 8/16, 8/23 and 8/26
- ❖ CALAFCO U webinar on Forming a CSD – 9/1
- ❖ CALAFCO Leg meeting – 9/10 (virtual)
- ❖ CALAFCO Annual Conference – 10/6 – 10/8 (Newport Beach)
- ❖ CALAFCO Board Meeting – 10/8 (Newport Beach)
- ❖ CALAFCO Leg meeting – 10/22 (location TBD)



The **CALAFCO 2021 Calendar of Events** can be found on the CALAFCO website.

