

Calaveras Local Agency Formation Commission

Regular Meeting Agenda

MONDAY – September 16, 2013 – 6:00 p.m.
at the

**Calaveras County Board of Supervisors Chambers
County Administrative Center
San Andreas**

6:00 PM Regular LAFCo Meeting Items:

1. Call to Order/Pledge of Allegiance/Roll Call

Commissioners

Bert Sobon, City Member
Jack Lynch, Chair City Member
Merita Callaway, Vice-Chair County Member
Darren Spellman, County Member
Tony Tyrrell, Special District Member
John Lavaroni, Special District Member
Anita Paque, Public Member

Paul Stein, Public Member Alt.
Debbie Ponte, County Member Alt.
Stuart Raggio, City Member Alt.
Don Young, Special Dist. Member Alt.
Staff:
John Benoit, Executive Officer
Lucy Thein, LAFCO Clerk
Michael Colantuono, LAFCO Counsel

2. Approval of Agenda (Deletions/Additions)

3. Approval of Minutes for the July 15, 2013 meeting

4. Public Comment

This is the time set aside for citizens to address the Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. For items that are on the agenda, public comment will be heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the Commission after the public hearing is opened for public testimony.

The Chairman reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the Commission cannot make decisions on matters not on the agenda.

5. Consent Agenda:

- a. Review and Authorize Claims for August 2013

PUBLIC HEARING

- 6. Calaveras River Estates Sphere of Influence Amendment adding 400 acres more or less to the to Rancho Calaveras (CSA #1) Sphere of Influence and to annex 522.8 acres more or less to Rancho Calaveras (CSA #1)**
- a. *Receive Executive Officer's report and comments received and conduct Public Hearing.*
 - b. *Adopt Resolution 2013-0006 approving a minor Sphere of Influence amendment of approximately 400 acres more or less for the Rancho Calaveras CSA #1 to provide road maintenance services to the territory including APN's 050-010-004 and 050-010-024.*
 - c. *Adopt proposed Resolution 2008-0007 approving an annexation consisting of 522.8 acres to the Rancho Calaveras CSA #1 including APN's 050-010-004 and 050-010-024 subject to recommended terms and conditions.*

Other Items:

7. Discussion regarding the Calafco Conference – August 28-30, 2013

8. Executive Officer' s report

- a) *Sphere of Influence for the Calaveras County Water District*
- b) *Sphere of Influence for the Calaveras Consolidated Fire Protection District*
- c) *Sphere of Influence for Calaveras County fire agencies*

9. Commissioners Reports

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters

10. Consider changing regular meeting date for the October 21, 2013 meeting.

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to a specified time. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda area available for review for public inspection in the Calaveras Co. Administrative office located at the County Administrative Center, 891 Mountain Ranch Road, San Andreas CA. [such documents are also available on the Calaveras LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting.

The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Calaveras LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff at (209) 754-6511

LAFCO Webpage: www.calaveraslafco.org

Email LAFCO at: johnbenoit@surewest.net

CALAVERAS LOCAL AGENCY FORMATION COMMISSION

MINUTES

JULY 15, 2013

CALL TO ORDER: The meeting was called to order by Chair, John Lavaroni, who led the Commission in the pledge. In attendance were: Merita Callaway, Jack Lynch, Paul Stein (in for Anita Paque), Don Young (in for Tony Tyrrell) Bert Sobon, Darren Spellman, John Lavaroni and Executive Director, John Benoit.

CLOSED SESSION with legal counsel at 6:05 regarding threat of litigation from the Mokelumne Hill Fire Protection District. Commission reconvened in open session at 6:45.

There was no report from closed session.

APPROVAL OF MINUTES OF JUNE 17TH, 2013.

Jack Lynch made a motion to approve the June 17, 2013 LAFCo minutes, 2nd by Paul Stein.

Passes 6-0-1 with Sobon abstaining.

PUBLIC COMMENTS: None.

CONSENT AGENDA: The consent agenda was approved on a motion by Callaway/ 2nd by Lynch. Passes 7-0.

ELECTION OF CHAIR AND VICE CHAIR:

Jack Lynch was nominated for chair by Merita Callaway/2nd by Spellman, passes on a 6-0-1 vote. Lynch abstained.

Merita Callaway was nominated for vice chair by Spellman/2nd by Stein. Passes 6-0-1 Callaway abstained.

EXECUTIVE OFFICER'S REPORT:

Calaveras River Estates annexation to CSA #1 is working it's way through the process.

AB 678 affects LAFCo and health care. It would require a health care needs assessment every five years and new mandates for LAFCo's health care MSR's.

AB 453 Growth grants – If this is signed into Law LAFCo will be eligible for sustainability grants

Vehicle Licence Fee: SB 56 – This legislation is to once again enable inhabited city annexations and newly incorporated cities to receive Vehicle License Fee Revenue.

AB 8240 Mutual water Open meetings act. This, if approved would requires mutual water companies to have more transparency.

WALLACE CSD: A three-month extension was granted to the Wallace CSD with a Motion by Callaway/2nd by Lynch. Passes 7-0.

COMMISSIONER’S REPORTS:

Darren Spellman asked John to get an answer to the question of a person in Vallecito who asked to be detached from CCWD and put in her own septic tank and well.

Meeting adjourned

Respectfully submitted,
Lucy Thein, clerk

Jack Lynch , Chair

John Benoit, Executive Director

CALAVERAS LAFCO

LAFCO CLAIM AUTHORIZATION FORM

for

August 2013

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
FY 2013-2014 Expenses:		
Sept 1, 2013	Staff Svcs & Expenses –August 2013	\$ 3,678.35
Sept 1 2013	CPUD SOI and Fire SOI	\$ 1,462.50
TOTAL:		\$ 5,140.85

Authorize payment of Conference Expenses for Commissioners attending the Calafco Annual Conference

DATED: Sept 16, 2013

APPROVED: Sept 16, 2013

Jack Lynch, Chair or Merita Callaway, Vice-Chair
Calaveras Local Agency Formation

Attest:

John Benoit
Executive Officer

Item	Account Number	Comm Stipends	Insurance	Communications	Memberships	GenOfficeExp	Postage	copies	Fire&EMSSOI	W & WWSOI	Ex. OFF. Svcs	City Fin Chrgs
	62001	62051	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060
Total Budgeted	\$ 6,600.00	\$ 1,716.04	\$ 800.00	\$ 758.00	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 18,000.00	\$ 25,000.00	\$ 42,500.00	\$ 3,600.00	
Calafco dues 13-14												
SDRMA Insurance 13-14												
Calafco Conference registrations												
Colantuono #25622												
Staff Svcs July 2013												
Comm Stipends July 15, 2013												
Staff Svcs Aug 2013												

TOTAL BUDGETED	\$ 6,250.00	\$ 25.00	\$ 681.29	\$ -	\$ 500.00	\$ 467.12	\$ 1,897.39	\$ 16,043.75	\$ 23,537.50	\$ 35,437.50	\$ 3,600.00	
TOTAL REMAINING												

**2013-2014
Board of Directors**

Chair
MARY JANE GRIEGO
Yuba LAFCo

Vice Chair
JOHN LEOPOLD
Santa Cruz LAFCo

Secretary
STEPHEN TOMANELLI
Riverside LAFCo

Treasurer
GAY JONES
Sacramento LAFCo

JULIE ALLEN
Tulare LAFCo

ROBERT BERGMAN
Nevada LAFCo

JAMES CURATALO
San Bernardino LAFCo

LARRY R. DUNCAN
Butte LAFCo

JULIANA INMAN
Napa LAFCo

MICHAEL KELLEY
Imperial LAFCo

DR. WILLIAM KIRBY
Placer LAFCo

MICHAEL R. MCGILL
Contra Costa LAFCo

EUGENE MONTANEZ
Riverside LAFCo

THEODORE NOVELLI
Amador LAFCo

JOSH SUSMAN
Nevada LAFCo

ROGER WELT
Santa Barbara LAFCo

Staff

PAMELA MILLER
Executive Director

MARJORIE BLOM
Executive Officer

CLARK ALSOP
Legal Counsel

STEPHEN LUCAS
Deputy Executive Officer

SAMUEL MARTINEZ
Deputy Executive Officer

DAVID CHURCH
Deputy Executive Officer

JENI TICKLER
Executive Assistant

3 September, 2013

Calaveras LAFCo
P.O. Box 2694
Granite City, CA 95746

Dear LAFCo Chair and Commission:

On behalf of the California Association of Local Agency Formation Commissions (CALAFCO), I would like to thank your commission for allowing some of your members and/or staff the opportunity to attend the CALAFCO 2013 annual conference.

We know how lean budgets and resources are, and understand that prioritizing expenditures can be difficult. Ensuring you and your staff have access to ongoing professional development and specialized educational opportunities, allows all of you the opportunity to better serve your commission and fulfill the mission of LAFCo. The sharing of information and resources among the LAFCo commissioners and staff statewide serves to strengthen the LAFCo network and creates opportunities for rich and value-added learning that is applied within each LAFCo.

Thank you again for your participation in the CALAFCO 2013 annual conference. We truly appreciate your membership and value your involvement in CALAFCO.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Pamela Miller".

Pamela Miller
Executive Director

1215 K Street, Suite 1650
Sacramento, CA 95814

Voice 916-442-6536
Fax 916-442-6535

www.calafco.org

Calaveras LAFCO

Executive Officer's Report

September 16, 2013

TO: Calaveras Local Agency Formation Commission

FROM: John Benoit, Executive Officer

EXECUTIVE OFFICER'S RECOMMENDATIONS: Adopt the proposed Resolution 2013-0006 adopting a Sphere of Influence Amendment (see attachment #1) and Resolution 2013-0007 (see attachment #2) approving LAFCO project 2013-0002 an Sphere of Influence and Annexation request from Michael Gurev on behalf of Calaveras River Estates to Rancho Calaveras CSA #1. This project is to amend the Sphere of Influence for CSA #1 to add approximately 400 acres more or less and to annex approximately 522.8 acres of territory to CSA #1 including APN's 050-010-004 and 050-010-024.

Suggested Motions:

Adopt Resolution 2013-0006 approving a minor Sphere of Influence amendment of approximately 400 acres more or less for the Rancho Calaveras CSA #1 to provide road maintenance services to the territory including APN's 050-010-004 and 050-010-024.

Adopt proposed Resolution 2008-0007 approving an annexation consisting of 522.8 acres to the Rancho Calaveras CSA #1 including APN's 050-010-004 and 050-010-024 subject to recommended terms and conditions.

I. BACKGROUND:

County Service Area No. 1 is located between Valley Springs and Jenny Lind on both sides of State Highway 26 in western Calaveras County. The CSA was formed in 1969 to provide extended services to the Rancho Calaveras subdivision. The CSA was originally formed for the purposes of road maintenance, provision of water and sewer service, and park and recreation facilities. The district currently only provides road maintenance. The remaining services a CSA may deliver are presently considered unused services and will require LAFCO's approval to activate as a new and different service. With the exception of road maintenance other services are permitted under the CSA law, but require LAFCO approval prior to activation.

The CSA includes the Rancho Calaveras subdivision that covers approximately 5,000 acres and has 3,602 parcels more or less. Parcels range in size from one-half acre to five acres, with the average size being 1 acre. A Special Plan was adopted for the subdivision in 1985, which specified all lands as Rural Residential. Since its formation there have been several annexations to the CSA. Rancho Calaveras has a road network that includes both County maintained roads and County Service Area (non-County maintained) roads. The CSA is currently responsible for approximately 47 miles of road, 35 miles that are paved and 12 miles that are chip sealed.

A. Summary of proposal:

A request by Michael Gurev representing Rancho Calaveras Estates to annex approximately 522.8 acres including two contiguous parcels to the District. The purpose of this annexation is to include the adjacent territory in Rancho Calaveras CSA #1 for road maintenance purposes. A Sphere of Influence amendment to include 400 acres more or less is necessary since only a portion of the proposed land division and annexation proposal is in the existing Rancho Calaveras CSA #1 Sphere of Influence. The territory is currently undeveloped densely covered with Chemise and Chaparral.

The Following entitlements have been granted by Calaveras County for Rancho Calaveras Estates:

The Board of Supervisors recently adopted a mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the following zoning amendment and tentative parcel map approvals and approved resolution 11-075 on June 14, 2011 (see attachment #3, Environmental Documents).

Adopted Ordinance 2990 changing the zoning district from (U) unclassified for ANP 050-010-004 and from (A1) General Agriculture for APN 050-010-024 to (RA-40-EP) Residential Agriculture with an Environmental Protection Combining District for both parcels (See attachment #4, County Ordinance 2990).

Approved Tentative Parcel Map on the property (TPM 2006-007), which was adopted by Board of Supervisor's Resolution 2011-076. This entitlement allows a land division of the 522.8 acres into four 40-acre parcels and a remainder parcel of 359.8 acres. Condition IV A(4) (d) of this approval requires the applicant to complete LAFCo Sphere of Influence amendment and annexation proceedings into CSA #1 (Rancho Calaveras) (see attachment #5 Tentative Map).

The proposed sphere amendment and annexation is located at the southerly terminus of Harding Road, south of the Community of Valley Springs, approximately 2.25 miles southeast of highway 26, and southeast of the Rancho Calaveras. The property is situated so that it is only accessible from CSA #1 roads. Therefore, all new parcel owners will contribute to maintenance of CSA #1 roadways.

The project's new on-site road is an extension of Harding Road and will be constructed prior to recordation of each phase of development. County policy requires all new roads to have a mechanism in place to provide ongoing road maintenance. Having the subdivision included in CSA #1 is more efficient than establishing a new CSA or a separate road maintenance agreement or other entity to provide road maintenance. The County as well as the developer (Rancho Calaveras Estates) agree to include the new road into the County CSA road maintenance system.

While the County Planning Commission is allowing the developer to phase development each parcel, once created an owner of each parcel will be required to contribute to the CSA #1 road maintenance system and will be required to pay their fair share of the CSA benefit assessments per Board of Supervisor's resolution 94-225 and 83-298.

A sphere of Influence amendment is necessary since the existing Sphere of Influence boundary follows the Calaveras River. The newly created parcels will extend across the Calaveras River and therefore the Sphere of Influence line needs to be extended to include the entire parcels that are required to be in CSA #1.

The District's boundaries and current Sphere of Influence are not coterminous. In the area of the proposed annexation, the Sphere of Influence boundary follows the Calaveras River. In order to not split assessor's parcels, which is contrary to LAFCo's policy, the Sphere of Influence must be amended to include an additional 400 acres more or less.

B. Proposal and Justification

The purpose of the proposed project is to annex a total of 522.8 acres into Rancho Calaveras for road maintenance services per requirements of a Tentative Parcel Map approved by Calaveras County.

In 2005 LAFCO adopted a Sphere of Influence update for the Rancho Calaveras CSA #1. A portion of the 522.8-acre territory was not included in the Sphere of Influence update; therefore a Sphere of Influence Amendment to include 400 acres more or less is needed at this time. This Sphere of Influence amendment includes a change in the Sphere of Influence Boundary.

All proposed parcels abut the existing district boundaries and must use district maintained roads for ingress and egress, therefore it was required as a condition of approval of the Tentative Map that boundaries of the CSA include these newly created parcels to that users of those parcels pay their fair share of road maintenance costs.

C. Location:

The proposed sphere amendment and annexation is located at the southerly terminus of Harding Road, south of the Community of Valley Springs, approximately 2.25 miles southeast of Highway 26, and south of the Rancho Calaveras. The property is situated so that it is only accessible from CSA #1 roads.

D. Purpose

The purpose of this annexation and Sphere of Influence Amendment into the Rancho Calaveras CSA #1 is for road maintenance services provided by the CSA.

II. ANALYSIS

A. Accepted for filing: August 1, 2013

B. Publication and Posting: August 23, 2013.

C. Compliance with CEQA:

Lead Agency:	Calaveras County
Rancho Calaveras CSA #1 Annex	3
Calaveras LAFCO File 2013-0002	
September 16, 2013	

Responsible Agency: Calaveras LAFCo
Environmental Finding: Negative Declaration (Attachment #3 includes the Initial Study, Negative Declaration and Notice of Determination)

Date of Finding: June 14, 2011

D. Compliance with applicable Plans:

The proposed annexation conforms to the Calaveras County General Plan, Subdivision Ordinance and Zoning Ordinance.

E. Compliance with applicable Spheres of Influence:

The proposed annexation (Rancho Calaveras Estates) is not entirely within the Sphere of Influence for the Rancho Calaveras CSA #1 and therefore a Sphere of Influence amendment is necessary.

F. Existing Land Use Plan and Zoning

-LAND USE DESIGNATION:	Natural Resource and Future Single Family Residential 20 acre and 5 acre parcel sizes and Natural Resource.
-ZONING:	Residential Agriculture 40-acre minimum parcel sizes
-DWELLINGS:	none
-POPULATION:	uninhabited
-REGISTERED VOTERS:	none

G. LANDOWNER (S)/APPLICANTS: Michael Gurev, 1818 Grand Canal Blvd, Suite 4, Stockton, CA 95207

H. Existing Land Use and Zoning for Surrounding Territory:

The current land use for the Annexation Area is Future Single Family Residential- 5 acre and Future Single Family Residential – 20 acre; and Natural Resource Lands – Dam Inundation Area and Natural Resource Lands – Mineral Resource Area 2A

The existing Zoning is Residential Agriculture – 40-acre minimum parcel sizes.

I. Proposed Development: A Tentative Parcel Map including four 40-acre parcels and a remaining parcel of 359.8 acres has been approved by the County.

- J. Fiscal Data:** There will be no property tax change for base property tax and incremental property tax for the territory to be annexed to the Rancho Calaveras CSA #1 as stated in Calaveras County Resolution 81-347 shown as Exhibit C to proposed LAFCO Resolution 2031-0007.

K. Existing and Proposed Service Agencies:

Service:	Existing Provider:	Proposed Provider:
School Districts	Calaveras Co. USD	Same
Fire Protection	Calaveras Consolidated FPD and Calfire	Same
General Government	Calaveras County	Same
Police Protection	Calaveras County Sheriff	Same
Off-site Drainage and Flood Control	Calaveras County	Same
On-site Drainage and Flood Control	Calaveras County	Same
Water and Wastewater	Wells/Septic	Same
Street Lighting	None	None
Roads	None	Rancho Calaveras CSA #1
Emergency Services	Calaveras Consolidated FPD	Same

III. SPHERE OF INFLUENCE AMENDMENT- Policy

Calaveras LAFCO Policies adopted in 2009 require an amendment to the adopted sphere of influence plan when an agency or applicant seeks to move territory into a sphere of influence of an agency.

Policy Analysis

Calaveras LAFCO adopted Policies and Procedures regarding Amendments and Updates of Spheres of Influence (Section 3.4) on August 17, 2009. Below is a discussion of the applicable policy.

Policy 3.4 (c)

Amendments Required.

An amendment to the Sphere of Influence Plan will be required in the following circumstances:

- To modify a sphere by adding or removing territory.
- To move territory from one development horizon to another.
- When a district seeks to provide a new or different function or class of service.

- When a significant change in an agency's plans for service makes the current sphere plan impractical.

This project requires a Sphere Boundary Modification

Policy 3.4 (e)

General Requirements. LAFCO will generally treat an update or a proposed amendment to an agency's Sphere of Influence similarly to an application for approval of a Sphere of Influence. Each of the following sets of policies apply to amendments to and updates of Spheres of Influence:

- i) General policies.
- ii) Specific policies and standards for Spheres of Influence and for Updates and Amendments thereto.

General Policies (Section 3.1) require an analysis of four factors as stated in Section 56425 (e) these are discussed below.

Policy 3.4 (f)

Precedence of Amendments over Annexations. Sphere of Influence amendments may precede the Commission's consideration of proposals for change of organization or reorganization.

The amendment discussion will precede commission action on the consideration of the annexation proposal. A portion of the annexation may proceed without an amendment.

Policy 3.4 (g)

Treatment of Amendment under Sphere Horizons. LAFCO will not place territory in an agency's 0-10 year sphere horizon unless the agency can show an immediate need for service by clear and convincing evidence.

Roads maintained by the Rancho Calaveras CSA #1 are impacted by proposed uses in the territory proposed for annexation. Annexation cannot take place prior to approval of the Sphere amendment.

Policy 3.4 (h)

Consistency Required. Amendment proposals must be consistent with an updated Sphere of Influence Master Services Element.

This proposal is consistent with the adopted Municipal Service Review of the CSA sphere adopted in 2005.

Policy 3.4 (i)

Inconsistent Sphere Amendments Prohibited. LAFCO will not approve requests for Sphere of Influence amendments if the amendment will result in a sphere that is inconsistent with other policies or standards.

n/a.

Policy 3.4 (j)

Demonstrated Need Required. An applicant for amendment to a Sphere of Influence must demonstrate a projected need or (in the case of reduction of the sphere) lack of need for service.

So as not to conflict with existing LAFCo policy regarding split lines of assessment, a Sphere Amendment is required.

Policy 3.4 k)

Open Space and Prime Agricultural Land. Amendment proposals involving Sphere expansions, which contain open space or prime agricultural land will not be approved by LAFCO if there is sufficient alternative land available for annexation within the existing Sphere of Influence.

n/a

Policy 3.4 (l)

Spheres of Influence Amendment and Update Procedures. (56425). Each request for amendment or update must be heard in a public hearing and is subject to the provisions of the California Environmental Quality Act.

Determinations

Pursuant to Government Code Section 56425, LAFCO must consider four specific issues prior to making written determinations to support its action in amending the Sphere of Influence for the Rancho Calaveras CSA #1. These are discussed in the following paragraphs:

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

Present and planned land uses in the area include open space type uses. There is a Tentative Parcel map creating four 40-acre parcels and a remainder in the area. The existing land uses surrounding the subject lands consist of open space and in the existing Rancho Calaveras Subdivision, Rural Residential development, which is already served by the district.

2. The present and probable need for public facilities and services in the area.

The current and planned development of properties within the territory will more than likely need road maintenance services; The Rancho Calaveras CSA #1 provides road maintenance services. Since the territory will be using Rancho Calaveras road, the need for road maintenance services through the CSA will be required.

3. The present capacity of public facilities and adequacy of services that the agency is authorized to provide.

The Rancho Calaveras CSA #1 provides road maintenance service to existing development within its boundaries. When the CSA was formed, the territory included in this proposed annexation was not included. As parcelization occurs, impacts to roads within the Rancho Calaveras CSA #1 will also occur. The County does not anticipate any restrictions in being able to provide road maintenance services provided a fair share of revenue is provided from these parcels, which will be impacting the CSA road system.

4. The existence of any social or economic land communities of interest in the area if the Commission determines that they are relevant to the community.

The subject territory is located contiguous to the Rancho Calaveras CSA #1 is proposed to be included within its boundaries and its Sphere of Influence. The Rancho Calaveras CSA #1 is the road maintenance service provider within the Rancho Calaveras CSA #1 Area.

IV. POLICY ANALYSIS - ANNEXATION

1. GOVERNING LAW

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding annexations, incorporations, reorganizations, and other changes of government. Section 56668 of the Government Code states the following:

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.
"Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.
- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns, of urban development, and the policies and priorities set forth in Section 56377.

- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans.
- (h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- (i) The comments of any affected local agency or other public agency.
- (j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5
- (l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7.
- (m) Any information or comments from the landowner or owners, voters, or residents of the affected territory
- (n) Any information relating to existing land use designations.
- (o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

These factors will be reviewed with regard to the proposed annexation to the Rancho Calaveras CSA #1:

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

This proposal will not have any impact upon population growth in the area since the existing lot sizes are more or less equal to the minimum zoning requirements and general plan density.

- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.
"Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies

subject to this division, and includes the public facilities necessary to provide those services.

The RANCHO CALAVERAS CSA #1 provides road maintenance services immediately adjacent to the new parcels, which will impact its maintained roads.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

This annexation will have no effect on social and economic interests since there will be no additional growth other than the four parcels and a remainder. There is no access for the remainder to be served by CSA #1 roads at this time since it is east and south of the Calaveras River.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns, of urban development, and the policies and priorities set forth in Section 56377.

The adopted Commission policies are examined below.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

N/A

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The boundaries are definite and certain. The land will adjoin other land in the Rancho Calaveras CSA #1.

(g) A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans

The proposed action is consistent with the Calaveras County Regional Transportation Plan and County General Plan since agricultural lands, existing land uses and the transportation system will not be affected

(h) The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.

A portion of the area is not within the RANCHO CALAVERAS CSA #1 Sphere boundary. A Sphere of Influence Amendment is needed to annex the territory.

(i) The comments of any affected local agency.

The Developers of Rancho Calaveras Estates initiated this Annexation and Sphere of Influence Amendment as a county requirement for a Tentative Parcel Map.

- (j) The ability of the newly formed or receiving entity to provide the services, which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The Rancho Calaveras CSA #1 has the ability to provide the road service provided the owners of land contribute their fair share for road maintenance.

- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5

N/A.

- (l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7.

N/A

- (m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

No comments have been received.

- (n) Any information relating to existing land use designations.

The proposed project is not in conflict with the Calaveras County General Plan. The land use designation is for Natural Resource and Future Single Family Residential 20 acre and 5-acre parcel sizes and Natural Resource.

- (o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

There are no issues associated with environmental justice with this proposal.

2. CALAVERAS LAFCO POLICY

The following analysis is provided as a guide for the Commission to consider. This proposal complies with applicable legal and policy requirements, as summarized below:

LAFCO Policy 2.1. Communication Between Local Agencies

N/A – LAFCO and the Calaveras County Public Works Dept. have communicated on this annexation.

LAFCO Policy 2.2. Urban Development

Rancho Calaveras CSA #1 Annex
Calaveras LAFCO File 2013-0002
September 16, 2013

The proposed project will not result in a change in the densities specified the General Plan, Agricultural Preserve Contracts or zoning ordinance. No urban development is contemplated. Development will consist of four 40-acre parcels.

LAFCO Policy 2.3. Discouraging Urban Sprawl
N/A

LAFCO Policy 2.4. Environmental Consequences (CEQA)

The County has prepared an initial study and adopted a Negative Declaration with Mitigation Measures for the zone change and tentative Parcel map allowing for four 40-acre parcels and a remainder (see Attachment #3).

LAFCO Policy 2.5. Balancing Jobs and Housing
N/A

LAFCO Policy 2.6. Compact Urban Form and Infill Development Encouraged
N/A, there are four lots being created which are large enough to not be considered urban.

LAFCO Policy 2.7. Public Accessibility and Accountability
The County holds regular public meetings. The Directors are the Board of Supervisors and are accountable to the voters. The State regulates the services provided by the CSA, which are limited to road maintenance services.

LAFCO Policy 2.8. Ability to Provide Adequate Services
The CSA has the ability to provide adequate services to the proposed area provided payment for maintenance services is received.

LAFCO Policy 2.9. Efficient Services
The proposed annexation territory will become part of the existing CSA. If not, parcels adjacent to the CSA would impact CSA roads and would not contribute to road maintenance.

LAFCO Policy 2.10. Community Impacts
The community impacts will be beneficial from the proposed annexation because the area will have the appropriate services and is a logical extension of the existing CSA so as to mitigate impacts to CSA roads.

LAFCO Policy 2.11. Conformance With General and Specific Plans
The proposed project conforms to the Calaveras County General Plan.

LAFCO Policy 2.12. Boundaries
The boundaries of the proposed annexation are definite and no lines of assessment are split.

LAFCO Policy 2.13. Revenue Neutrality
The proposed annexation will not take revenue from any other special district or the County. The County approved a Property Tax exchange resolution stating no property tax will be exchanged for base property tax and incremental property tax for the territory

to be annexed to the RANCHO CALAVERAS CSA #1 as stated in Calaveras County Resolution 81-347.

LAFCO Policy 2.14. Agricultural and Open Space Land Conservation

As noted in Calaveras LAFCO's Policies, one of LAFCO's core purposes is preservation of open space and prime agricultural land. (Policy 2.14.) The policy goes on to state that "The Commission will exercise its powers to conserve prime agricultural ('ag') land as defined in Section 56064 of the Government Code." While this territory is zoned agriculture residential, since agriculture does not exist on the parcel land uses will not be impacted by annexation into a road maintenance CSA. The CSA is authorized to provide road services only and does not provide growth-inducing services such as water and wastewater.

The purpose of this annexation is for properties impacting the CSA road system to pay its fair share for road maintenance.

LAFCO Policy 2.15. Need for Services

There is no direct need for services for the territory. The purpose of the CSA is to provide road maintenance services. Traffic impacts to the existing CSA road maintenance system can be mitigated by annexation and payment of road maintenance fees.

LAFCO Policy 2.16. Exceptions

No exceptions to LAFCO Policy are recommended.

3. LAFCO POLICIES REGARDING ANNEXATIONS

Calaveras LAFCO has adopted the following policies regarding annexations:

LAFCO POLICY 4.1.a) Consistency with LAFCO Policies.

The proposed annexation to Rancho Calaveras CSA #1 is consistent with Calaveras LAFCO policies.

LAFCO POLICY 4.1.b) Consistency with Spheres and Service Review.

The annexation to the Rancho Calaveras CSA #1 is consistent with the Sphere of Influence as proposed to be amended.

LAFCO POLICY 4.1.c) Plan for Services Required.

The Rancho Calaveras CSA #1 is not required to adopt a plan for services since this application was initiated by petition.

LAFCO POLICY 4.1.d) Contiguity.

The proposed annexation is contiguous to the Rancho Calaveras CSA #1.

LAFCO POLICY 4.1.e) Piecemeal Annexation Prohibited.

While the developer is proposing recording multiple final maps for the Parcel Map, this annexation proposal is to include all the parcels into the CSA. Therefore, there will be no piecemeal annexations.

LAFCO POLICY 4.1.f) Annexations to Eliminate Islands.

N/A

LAFCO POLICY 4.1.g) Annexations that Create Islands.

The proposed annexation does not eliminate or create islands.

LAFCO POLICY 4.1.h) Service Requirements.

The Rancho Calaveras CSA #1 can provide the services required.

LAFCO POLICY 4.1.i) Adverse Impact of Annexation on other Agencies or Service Recipients.

The proposed annexation to Rancho Calaveras CSA #1 will have no adverse impact on other agencies or existing service recipients.

LAFCO POLICY 4.2. Determination of the Most Efficient Service Provider

The Rancho Calaveras CSA #1 will be the most efficient service provider for road services.

LAFCO POLICY 4.2.a) Optimum Combination of Service and Cost.

The Rancho Calaveras CSA #1 is the most efficient provider of these services in this area.

LAFCO POLICY 4.2.b) Efficient Services with Multiple Service Districts

There are no other districts providing road maintenance in or near the territory being annexed.

LAFCO POLICY 4.2.c) "Affected Population" Defined.

This policy states the following:

For purposes of this standard, "affected population," means any of the following:

- i) The population, which inhabits or will inhabit the area to be annexed.*
- ii) The population already being served by the annexing agency.*
- iii) The population of existing or potential alternative service providers.*

The affected population is the inhabitants of the area in the future. These people will benefit from being part of the Rancho Calaveras CSA #1. The population already being served by Rancho Calaveras CSA #1 will not be adversely affected in any way from this annexation.

LAFCO POLICY 4.2.d) Factors to Be Considered.

There are eight factors to be considered and the proposed annexation meets all of these factors as follows:

- i) The territory is physically accessible to the Rancho Calaveras CSA #1.
- ii) The Rancho Calaveras CSA #1 has the resources to provide the services including financial resources.
- iii) The Rancho Calaveras CSA #1 has historically been a good service provider to the residents.
- iv) The Rancho Calaveras CSA #1 is the appropriate service provider and the Board is accountable to the voters.
- v) The legislative policy of the Cortese-Knox-Hertzberg Act favors a single multi-service provider and in this case the Rancho Calaveras CSA #1 is the best alternative and provides an appropriate fee for service method of financing.
- vi) There will be no adverse effect on other service providers and there is no other service provider for these specific services.
- vii) Other information has not been supplied by agencies.
- viii) The factors included in government code 56668 have been analyzed above.

LAFCO POLICY 4.2.e) LAFCO Responsibility for Determination.

This policy states that "LAFCO shall determine the most efficient overall service provider or combination of providers, not the affected agencies."

Although there are many service providers in Calaveras County, LAFCO has determined that the most efficient way to provide for these services is to use special districts. The proposed annexation to Rancho Calaveras CSA #1 is a logical and efficient way to provide for road maintenances services.

V. Comments from the public and public agencies.

See attachment #6 a letter received by Public Works.

VI. ALTERNATIVE ACTIONS BY THE COMMISSION

The above considerations are the basis to support the inclusion of 400 acres more or less to the Sphere of Influence for the Rancho Calaveras CSA #1 and subsequent 522.8-acre annexation into CSA #1.

Based upon the foregoing, it is the recommendation of LAFCO staff that the above stated recommendations be approved by adopting the attached Resolution 2013-0006 Making Determinations and Approving the Sphere of Influence Amendment for the Rancho Calaveras CSA #1 to include 400 additional acres more or less in its Sphere of Influence and approval of the annexation of 522.8 acres to the district by approving Resolution 2013-0007.

The Commission has the following alternatives for action:

Alternative #1

The Commission may wish to consider a Sphere Amendment and Annexation of other adjacent parcels. The district and (or) the landowners are not requesting annexation of additional parcels.

Alternative #2 Continue the Hearing.

The Commission may determine that it does not have sufficient information to make a decision at this time, and continue the matter to a date and time certain. In this case staff recommends this item be continued to the next LAFCO meeting.

Alternative #3

Based on Public Testimony, the District may wish to delete parcels from this Annexation and (or) Sphere of Influence based on testimony presented at the hearing.

Alternative #4 approve the project as submitted.

The Commission may approve the annexation/Sphere of Influence as submitted for the territory.

VII. Staff Recommendations

Staff recommends the Commission approve the Sphere of Influence Amendment by adopting Resolution 2013-0006 and approve the Annexation subject to the terms and conditions stated in Resolution 2013-0007.

Respectfully Submitted,

John Benoit,
Executive Officer

Attachments:

1. *Proposed Resolution 2013-0006 – Sphere of Influence*
2. *Resolution 2013-0007- Annexation*
3. *Environmental Documents*
4. *Zoning Ordinance Change*
5. *Tentative Parcel Map*
6. *July 12, 2013 Letter from Public Works*

CALAVERAS LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving a minor Sphere of Influence Amendment for CSA #1 Rancho Calaveras thereby adding 400 acres more or less

WHEREAS, Government Code Section 56428 sets forth a process that each Local Agency Formation Commission is required to follow in amending a Sphere of Influence upon request of any person or local agency; and

WHEREAS, the Calaveras Local Agency Formation Commission, in compliance with the aforementioned requirement, continues to provide a “plan for the probable physical boundaries and service area” for CSA #1 Rancho Calaveras; and

WHEREAS, the Commission has set the hearing date of September 16, 2013, for an amendment of the sphere of influence for CSA #1 Rancho Calaveras and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56427; and

WHEREAS, the Commission has received a proposal from Michael Gurev on behalf of Calaveras River Estates to add 400 acres more or less to CSA #1 Rancho Calaveras for road maintenance services; and

WHEREAS, the Commission has reviewed and considered the proposed Executive Officer’s report including the map which is attached hereto and incorporated herein; and

WHEREAS, Calaveras County has prepared a Negative Declaration for this Sphere of Influence amendment and annexation pursuant to the requirements of the California Environmental Quality Act (Section 21000 *et seq* of the Public Resources Code); and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed sphere of influence amendment, including, but not limited to, those factors specified in Government Code Section 56425, *et seq.*, and has heard from interested parties and considered requests for amendment and/or revision of the proposed amended sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Calaveras Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence amendment with respect to Rancho Calaveras CSA #1 complies with the provisions of Government Code Section 56000, *et seq.*
2. That no significant protests have been received regarding the establishment of this Sphere of Influence amendment.

3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Executive Officer's report dated September 16, 2013 and are incorporated herein.
4. The Commission hereby affirms the Mitigated Negative Declaration including an Initial Study and Notice of Determination prepared for the 522.8 acre annexation and 400 acre Sphere of Influence amendment as a responsible agency and finds that no circumstances have changed nor could have changed since the County Board of Supervisors approved Resolution 11-075 on June 14, 2011.
5. That the Sphere of Influence Amendment Report included as part of the Executive Officer's Report is included by reference, and the map of the amended Sphere of Influence for Rancho Calaveras CSA #1 is hereby attached and adopted as set forth in Exhibit "A".

PASSED AND ADOPTED at a regular meeting of the Calaveras Local Agency Formation Commission on the 16th day of September 2013, by the following vote:

AYES:

NOES:

ABSENT:

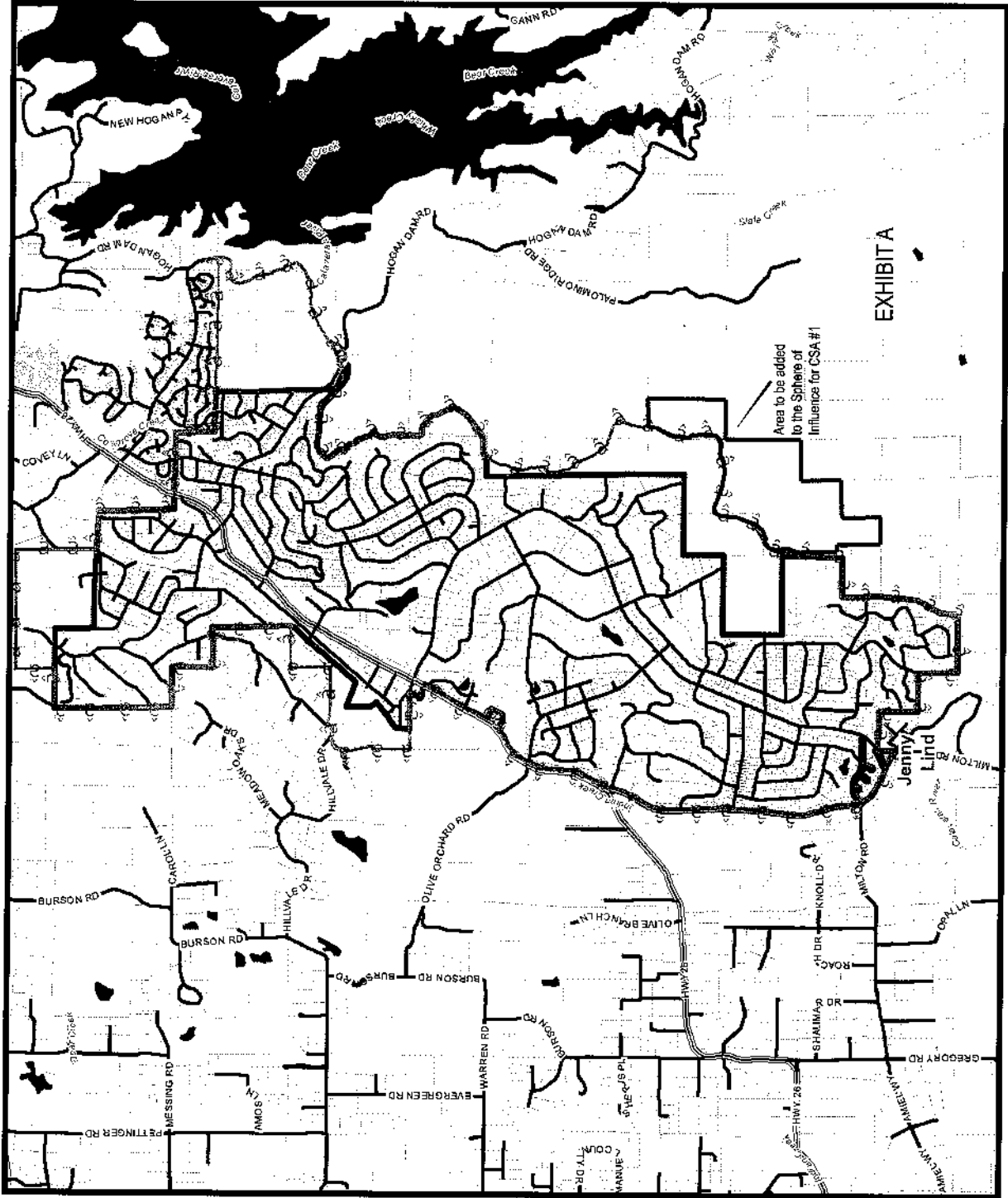
ABSTAIN:

Jack Lynch, Chair, Calaveras Local Agency
Formation Commission

Attest:

John Benoit, LAFCO Executive Officer
Calaveras LAFCO

Exhibit "A"



Calaveras County County Service Area (Rancho Calaveras)

Adopted by
Local Agency Formation Commission
of
Calaveras County
on
February 27, 2006
Resolution # 2006-0002

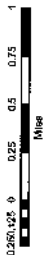
Legend

- Sphere of Influence
- Rancho Calaveras
- Parcels
- Roads
- Highways
- Main Rivers
- Lakes

This is a tentative map.
It reflects district
boundaries that have
not yet been approved.
All district boundaries
are generalized and
are not to be used on
a parcel by parcel basis.



Seal of the State of California
The Great Seal of the State of California
was adopted by the State of California
in 1907.



Resolution # 2013-0007

CALAVERAS LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving the Annexation of 522.8 acres to Rancho Calaveras CSA #1 to provide road maintenance services

WHEREAS, Michael Gurev on behalf of Calaveras River Estates has filed an application to annex 522.8 acres into Rancho Calaveras CSA #1 known as LAFCO File 2013-02, Calaveras River Estates Annexation to Rancho Calaveras. This property is described and depicted in Exhibits "A" and "B", attached hereto and incorporated herein and filed with the Executive Officer of the Calaveras Local Agency Formation Commission pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 *et seq* of the Government Code); and

WHEREAS, said formation of Rancho Calaveras CSA #1 was approved to provide road maintenance services and other services permitted by section 25210.4 -25210.4 (b) of the Government Code; and

WHEREAS, pursuant to Government Code section 56662 this Commission has authority to approve this annexation to said County Service Area without notice and hearing and without an election where all property owners in said territory consent to said annexation or when all registered voters and landowners within the territory have been given notice and no written protests or objections have been received; and

WHEREAS, Calaveras LAFCO prepared and certified a Mitigated Negative Declaration for this change of organization for the affected territory pursuant to the requirements of the California Environmental Quality Act (Section 21000 *et seq.* of the Public Resources Code); and

WHEREAS, the Executive Officer reviewed the application and determined its completeness within 30 days of its submission and prepared and filed his report with this Commission at least five days prior to the regularly scheduled meeting during which this application is to be considered; and

WHEREAS, the Calaveras County Board of Supervisors adopted Resolution 81-347 on August 3, 1981 pertaining to the Tax Revenue Exchange for this annexation; and

WHEREAS, this Commission has considered the application, the report of the Executive Officer, the environmental documentation and determination, applicable General and Specific Plans, LAFCO's policies and each of the factors required by Government Code Section 56668 to be considered in the review of a proposal; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land and registered voters within the affected territory have been given notice for this proposal in accordance with Government Code Section 56663; and

WHEREAS, all interested parties and proponents of the proposal were given an opportunity to testify at the LAFCo meeting on September 16, 2013.

WHEREAS, it is desired that the proposed annexation to Rancho Calaveras CSA #1 be subject to terms and conditions as follows:

NOW, THEREFORE IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Calaveras County as follows:

1. The foregoing recitals are true and correct.
2. In reviewing this application, the Commission finds that all property owners and registered voters in said territory have been given an opportunity to testify regarding this annexation into Rancho Calaveras CSA #1.
3. In reviewing this application, the Commission finds that road maintenance services to be provided by Rancho Calaveras CSA #1 are necessary and that there will not be a duplication of other powers provided by Rancho Calaveras CSA #1 with any other special district.
4. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.
5. The LAFCO Executive Officer's Staff Report including attachments and recommendation for approval of the proposal is hereby incorporated by reference and hereby adopted.
6. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as described in Exhibits "A" Boundary Description and "B" Map attached hereto and by this reference incorporated herein subject to the terms and conditions included.
7. As stated in the LAFCO Staff Report of September 16, 2013, the amount of base property tax and tax increment transferred shall be in accordance with Calaveras County Resolution 81-347 attached hereto as Exhibit "C".
8. Said annexation territory is found to be uninhabited (less than 12 registered voters).
9. The subject proposal is assigned the following short form designation: Calaveras River Estates Annex to CSA #1 Rancho Calaveras (LAFCO File 2013-0002).
10. The boundaries of the affected territory are found to be definite and certain.
11. The application for the annexation to Rancho Calaveras CSA #1 (LAFCO 2013-0002) is hereby approved to provide road maintenance services within the territory.
12. Further protest proceedings are waived and the Commission orders the 522.8-acre annexation to Rancho Calaveras CSA #1 pursuant to Part 4 of Division 3 of the California Government Code commencing with Section 57000. Satisfactory proof has been given that the subject territory is uninhabited, that all landowners within the affected territory have either given their written consent to the proposal and all affected agencies and landowners have not objected in writing to the waiver of conducting authority proceedings (Section 56663 of Government Code). Therefore,

The Commission does hereby approve and authorize the conducting authority to annex the territory described in Exhibits "A" and "B" to Rancho Calaveras CSA #1 without notice and election.

13. All CSA #1 Rancho Calaveras previously authorized assessments; taxes, fees and charges shall apply to this annexed territory upon recordation of the Certificate of Completion.
14. A letter from the Calaveras County Department of Public Works verifying payment of all required annexation fees for this annexation to CSA #1 and (or) CSA maintenance fees shall be submitted to LAFCo prior to the recordation of the Certificate of Completion.
15. All final maps and geographic descriptions submitted to LAFCo shall state the following: *Calaveras LAFCo File 2013-0002 Calaveras River Estates Annexation to CSA #1 – Rancho Calaveras*
16. The boundary (geographic) description and map, if rejected by the State Board of Equalization or amended by LAFCo, shall be revised at the expense of the applicant. The applicant shall be responsible for all associated costs.
17. All LAFCo, Calaveras County and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCo will forward invoices and (or) a list of estimated required fees or deposits to the agency prior to filing the Certificate of Completion.
18. Three reproducible copies, five large copies, three 8 1/2 x 11 reductions and three copies of the boundary description and an electronic copy of all maps and boundary descriptions shall be submitted to LAFCo prior to recordation of the Certificate of Completion.
19. Approval of this annexation is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Calaveras Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Local Agency Formation Commission of the County of Calaveras shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
20. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
21. The Mitigated Negative Declaration and Environmental Documents prepared by the County of Calaveras are hereby affirmed and adopted by LAFCo as a responsible agency
22. The Commission directs the Executive Officer to file a Notice of Determination upon completion of the LAFCo proceedings.

23. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.
24. Completion of proceedings shall be concluded within one-year after adoption of this resolution. If the proceedings are not concluded within one-year after passage of this resolution, all proceedings shall be terminated.

PASSED AND ADOPTED at a regular meeting of the Local Agency Formation Commission of the County of Calaveras, State of California, on the 16th day of September, 2013 by the following votes:

AYES:
NOES:
ABSTAINS:
ABSENT:

Jack Lynch, Chair, Calaveras Local
Agency Formation Commission

CALAVERAS LOCAL AGENCY
FORMATION COMMISSION
ATTEST:

JOHN BENOIT
Executive Officer

May 30, 2013

GEOGRAPHIC DESCRIPTION

ANNEXATION NO. 2013-XX

CALAVERAS RIVER ESTATES

ANNEXATION TO CSA-1

THAT CERTAIN REAL PROPERTY SITUATED IN PORTIONS OF SECTIONS 13, 14 AND 23 OF TOWNSHIP 3 NORTH, RANGE 10 EAST, MOUNT DIABLO BASE & MERIDIAN IN THE COUNTY OF CALAVERAS, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 13; THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14; THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14; THE SOUTHWEST QUARTER OF SECTION 14; THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14; THE SOUTHWEST QUARTER OF SECTION 14; THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23; AND LOTS 4 AND 5 OF SECTION 23; AND, ALL OF TOWNSHIP 3 NORTH, RANGE 10 EAST, MOUNT DIABLO BASE & MERIDIAN ACCORDING TO THE OFFICIAL NOTES AND PLATS THEREOF, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 14, ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 13,

(L1) THENCE SOUTH 88 DEGREES 14 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 13 1333.17 FEET TO THE EAST 1/16 CORNER OF THE NORTH LINE OF SAID SECTION 13;

(L2) THENCE SOUTH 00 DEGREES 12 MINUTES 11 SECONDS WEST ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13, 2671.12 FEET TO THE CENTER-WEST 1/16 CORNER OF SAID SECTION 13;

(L3) THENCE NORTH 88 DEGREES 32 MINUTES 48 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13 1340.08 FEET TO THE 1/4 CORNER BETWEEN SAID SECTIONS 13 AND 14;

(L4) THENCE SOUTH 00 DEGREES 21 MINUTES 17 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 14, 2678.07 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 14;

(L5) THENCE SOUTH 89 DEGREES 33 MINUTES 43 SECONDS WEST ALONG SOUTH LINE OF SAID SECTION 14, 1352.60 TO THE EAST 1/16 CORNER OF THE NORTH LINE OF SAID SECTION 23;

(L6) THENCE SOUTH 00 DEGREES 37 MINUTES 37 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, 1323.35 FEET TO THE NORTHEAST 1/16 CORNER OF SAID SECTION 23;

(L7) THENCE SOUTH 89 DEGREES 30 MINUTES 58 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, 1352.32 FEET TO THE CENTER-NORTH 1/16 CORNER OF SAID SECTION 23, ALSO BEING THE NORTHEAST CORNER OF SAID LOT 5;

(L8) THENCE SOUTH 00 DEGREES 39 MINUTES 08 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 5 TO 1324.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, ALSO BEING THE CENTER OF SAID SECTION 23;

(L9) THENCE SOUTH 89 DEGREES 17 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 5, 894.48 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5;

(L10) THENCE NORTH 00 DEGREES 52 MINUTES 59 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 AND LOT 5 OF SAID SECTION 23, 1500.18 FEET TO AN ANGLE POINT IN THE SOUTH LINE OF SAID LOT 4;

(L11) THENCE SOUTH 89 DEGREES 31 MINUTES 01 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 4, 449.42 FEET TO THE MOST SOUTHWEST CORNER OF SAID LOT 4;

(L12) THENCE NORTH 00 DEGREES 47 MINUTES 26 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 1152.70 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID SECTION 23, ALSO BEING THE WEST 1/16 CORNER OF THE SOUTH LINE OF SAID SECTION 14;

(L13) THENCE NORTH 00 DEGREES 38 MINUTES 05 SECONDS EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, 690.88 FEET TO THE CENTER-SOUTH-SOUTHWEST 1/64 CORNER OF SAID SECTION 14;

(L14) THENCE NORTH 00 DEGREES 37 MINUTES 29 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER 659.32 FEET TO THE SOUTHWEST 1/16 CORNER OF SAID SECTION 14;

(L15) THENCE NORTH 89 DEGREES 37 MINUTES 58 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER 1350.52 FEET TO THE CENTER SOUTH 1/16 CORNER OF SAID SECTION 14;

(L16) THENCE NORTH 00 DEGREES 32 MINUTES 11 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, 1344.47 FEET TO THE CENTER OF SAID SECTION 14;

(L17) THENCE NORTH 00 DEGREES 18 MINUTES 28 SECONDS EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14, 1347.75 FEET TO THE CENTER NORTH 1/16 CORNER OF SAID SECTION 14;

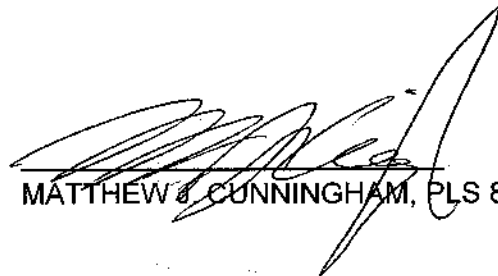
(L18) THENCE NORTH 89 DEGREES 44 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14, 1351.78' TO THE NORTHEAST 1/16 CORNER OF SECTION 14;

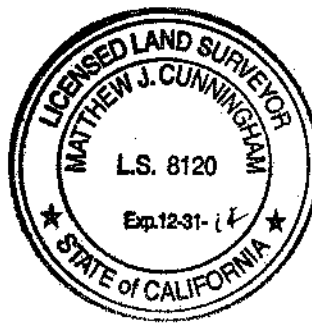
(L19) THENCE NORTH 00 DEGREES 21 MINUTES 45 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14, 1332.22 FEET TO THE EAST 1/16 CORNER OF THE NORTH LINE OF SAID SECTION 14;

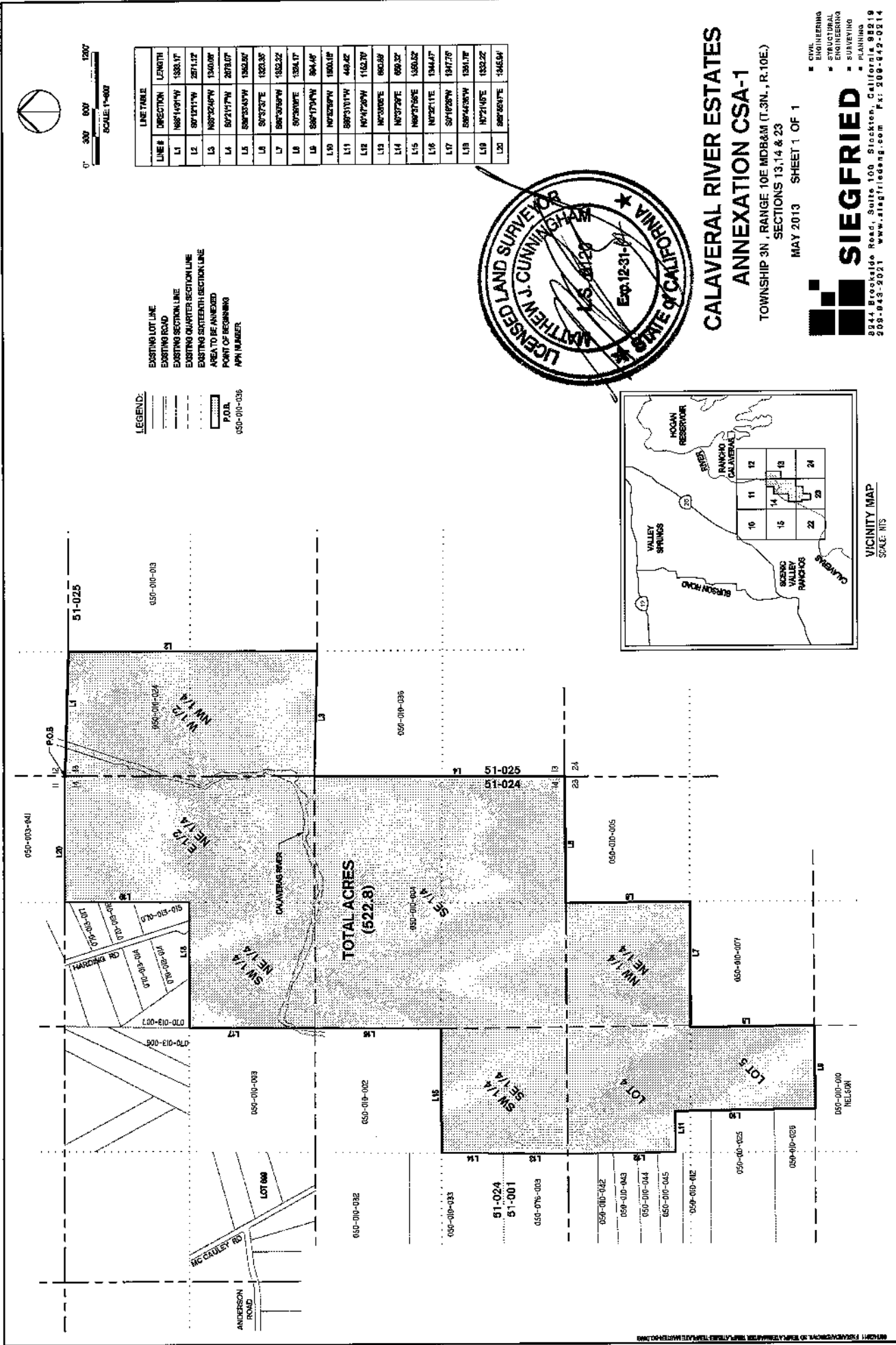
(L20) THENCE NORTH 89 DEGREES 55 MINUTES 47 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 14 1345.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 522.8 ACRES, MORE OR LESS.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR THE SALE OF THE LAND DESCRIBED.


MATTHEW J. CUNNINGHAM, PLS 8120





CALAVERAS COUNTY

Exhibit "C"

COUNTY OF CALAVERAS

STATE OF CALIFORNIA

AUGUST 3, 1981

1 RESOLUTION
2 NO: 81-347

A RESOLUTION ADOPTING A STANDARD AGREEMENT FOR PROPERTY
TAX ALLOCATION UPON JURISDICTIONAL CHANGE AFFECTING SPECIAL
DISTRICTS

3 WHEREAS, Section 99 of the Revenue and Taxation Code req-
4 uires the Board of Supervisors to adopt a formula by which property tax revenues
5 are allocated following a jurisdictional change approved by the Local Agency
6 Formation Commission; and

7 WHEREAS, the requirements of said change are specified by
8 Government Code Sections 54773 et seq., and Revenue and Taxation Code Section 99;
9 and

10 WHEREAS, State law permits the Board of Supervisors to
11 expedite such transfer of tax revenue by adopting a "Standard Agreement";

12 BE IT THEREFORE RESOLVED THAT the County of Calaveras hereby
13 adopts the standard agreement attached herein as Exhibit A, with the following
14 findings:

15 1. The standard agreement is consistent with Revenue and Taxation Code Section 99.

16 APPROVED THIS 3rd day of August, 1981 by the
17 following vote:

18 AYES: Supervisors Taylor, Wistos, Hodgson, Kuehl and Lodato

19 NOES: None

20 ABSTAINED: None

21 ABSENT: None

22 
23 Chairman, Board of Supervisors

24 ATTEST:

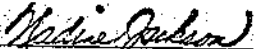
25 
26 County Clerk and Ex-Officio
27 Clerk to the Board of Supervisors,
28 County of Calaveras, State of
29 California
30
31
32

EXHIBIT A

AGREEMENT FOR

PROPERTY TAX ALLOCATION UPON

JURISDICTIONAL CHANGE AFFECTING SPECIAL DISTRICTS

BETWEEN THE COUNTY OF CALAVERAS AND AFFECTED DISTRICTS

A. PURPOSE:

This agreement establishes policy of the Board of Supervisors adopting a standard formula and an optional procedure, pursuant to Section 99 of the Revenue and Taxation Code, to allocate property tax revenue upon completion of a jurisdictional change affecting only special districts. The standard formula in Section B shall apply in all instances unless an affected district chooses to have the matter resolved as a separate issue in accordance with Section C.

B. PROPERTY TAX ALLOCATION AGREEMENT:

Except when an affected special district chooses to proceed under Section C, the County Auditor-Controller, upon completion of a jurisdictional change affecting one or more special districts, shall determine and adjust property tax revenues in the following manner:

- 1) When a special district annexes territory to provide a service where such service had not been previously provided by any special district, there would be no assumption of service and therefore no property tax revenue shall be transferred.
- 2) When a special district annexes territory to provide a service where such service was previously provided by another special district, the amount of property tax revenue attributable to the assumed service within the area annexed shall be determined and transferred from the reduced district to the annexing district.
- 3) When a special district detaches territory and that service within the area is to be terminated, the amount of property tax revenue attributable to the abandoned service within the area detached shall be determined and transferred from the detaching district to all other local agencies which continue to serve within the detached area. Each local agency shall share the transferred revenue and any future annual tax increment in the same proportion which it shares the total property tax revenue from the area detached.

C. OPTIONAL AGREEMENT PROCEDURE:

Any special district affected by jurisdictional change covered herein may, at its option, require that the property tax transfer, if any, be determined as a separate issue in accordance with Section 99 or Section 99.1 of the Revenue and Taxation Code, as follows:

- 1) When a proposal for jurisdiction change is submitted to the Local Agency Formation Commission, the Executive Officer so notifies each agency whose service area or responsibility would be affected.
- 2) Any affected special district may, within 10 days of receiving the Executive Officer's notice, execute its option (by written notice to LAFCo) requiring that the provisions of this agreement not apply to the jurisdictional change.
- 3) If so notified by the special district, the Executive Officer shall proceed only in accordance with the specific provisions of Section 99 or Section 99.1 of the Revenue and Taxation Code as specified by the special district.

D. EFFECTIVE DATE OF ALLOCATION:

Property tax transfers which result from a jurisdictional change which is completed prior to January 1st of any calendar year shall be effective for the next succeeding fiscal year, beginning July 1st.

DRAFTED

572

PUBLIC WORKS CALAVERAS COUNTY



SERVICE

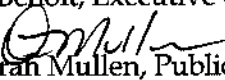
Transit
Land Division
Roads and Bridges
Transportation Planning
Integrated Waste Management
Grading, Drainage and Erosion Control

Tom Garcia, Director

July 12, 2013

MEMORANDUM

TO: John Benoit, Executive Officer, Calaveras LAFCO

FROM:  Deborah Mullen, Public Works Analyst

SUBJECT: Response to Request for Review
LAFCO Project 2013-0002, Calaveras River Estates

BACKGROUND

LAFCO Project 2013-002, Calaveras River Estates, is an amendment to LAFCO's Sphere of Influence for County Service Area (CSA) No. 1, Rancho Calaveras, and an annexation of Calaveras River Estates (522.8 acres at the terminus of Harding Road extending on both side of the Calaveras River) into CSA No. 1 for road maintenance services.

As mentioned in your Request for Review dated June 25, 2013, the Tentative Parcel Map for Calaveras River Estates (TPM 2006-007) was approved by Board of Supervisors Resolution No. 2011-076 in June of 2011. The Board's resolution contained conditions of approval for the project, including the requirement that the internal roadway be improved to Local Road standards. Subsequent to the approval, the developer requested a modification of the roadway standards. The developer also requested that the project be allowed to be recorded in phases. His request was approved by Planning Commission Resolution No. 2013-010 dated June 27, 2013. Although your Request for Review predates the action by the Planning Commission, the LAFCO requirements remain unchanged.

Annexation

The project is situated such that it is only accessible from CSA No. 1 roads. Inclusion of the parcels generating traffic in the CSA would provide the means for the new parcel owners to contribute to maintenance of the CSA roadways. Therefore, annexation to CSA No. 1 is required.

The project's new onsite road is an extension of Harding Road. Pursuant to County policy, all new roads must have some mechanism in place to provide ongoing road maintenance. Including the new onsite road in the CSA-maintained road system is more economical and certain than establishing a Road Maintenance District or other entity to provide road maintenance. The developer and the County agree to include the new road in the CSA-maintained system.

891 Mountain Ranch Road ♦ San Andreas ♦ CA ♦ 95249-9709
Customer Service (209) 754-6402 ♦ Fax (209) 754-6664 ♦ Email: pubworks@co.calaveras.ca.us
Web: http://www.co.calaveras.ca.us/departments/public_works.asp

R:\CSA\CSA 1 RANCHO\CALAVERAS RIVER ESTATES\CALAVERAS RIVER ESTATES LAFCO MEMO.DOCX



Annexation to CSA No. 1 is required of the entire project regardless of phasing. Upon recordation of each phase of the Parcel Map, the parcel thus formed will be subject to the imposition of the CSA No. 1 benefit assessment, currently \$38 annually for each parcel on a CSA No. 1 road, collected in the same manner as ad valorem property taxes. The County will be able to utilize CSA No. 1 revenues to support maintenance of CSA roads, including the new onsite road. Each new segment of the onsite road, required to be completed prior to recordation of each phase of the Parcel Map, will be added to the list of roads maintained by CSA No. 1.

Sphere of Influence Amendment

The Calaveras River forms the current CSA No. 1 Sphere of Influence (SOI) boundary and bisects the subject property. Since the newly created parcels will extend across the river, the SOI boundary must be adjusted to maintain consistency within the Tax Rate Area. Construction on each parcel is restricted to designated buildable areas on the side of the river accessible from CSA roads. Vehicular access to the portion of the project on other side of the Calaveras River is virtually impossible due to steepness of the terrain, the river itself, and the absence of roadways on the other side. However, in the event that the parcels are further subdivided in the future, LAFCO may require that new parcels on the side of the river away from the CSA be detached from the CSA.

Annexation and Subdivision Fees

a) CSA No. 1 Annexation Fee

To ensure that each parcel annexing to CSA No. 1 pay an equitable contribution toward the existing road system, the Board of Supervisors recommended that LAFCO impose an Annexation Fee (Resolution No. 94-225, enclosed). This fee is calculated by charging each parcel legally existing at the time of annexation the amount in effect in Fiscal Year 83-84 (first major assessment for CSA No. 1 pursuant to Board of Supervisors Resolution 83-298), plus any amounts which that parcel would have been assessed during the five fiscal years immediately preceding the effective date of the annexation.

In cases such as this, where subdivision and annexation occur concurrently, the Annexation Fee shall be based on the number of parcels existing before subdivision. Calaveras River Estates is comprised of two existing parcels. As shown the table below, the annexation fee is \$1,340.

	Years	Assessment	Number of Parcels	Fee
First assessment 1983-84	1	\$480	2	\$960
Five years prior	5	\$38	2	\$380
Total Annexation Fee				\$1,340

Public Works is responsible for collecting Annexation Fees on behalf of the CSA. The Annexation Fee of \$1,340 for Calaveras River Estates is due prior to passage of LAFCO's resolution ordering the change in organization and is payable to County Service Area No. 1 at Public Works, 891 Mountain Ranch Road, San Andreas, CA 95249. Upon receipt of the fee, Public Works will immediately notify LAFCO that the Public Works requirement has been met.

b) CSA No. 1 Subdivision Fees

Subdivision Fees per Board of Supervisors Resolution No. 96-221 are due to Public Works prior to recordation of the third and fourth phases of the map. Since these fees are not associated with LAFCO action, details will be communicated to the developer by separate correspondence.

REQUIREMENTS

Prior to recording the first phase of the Parcel Map, the developer is required to complete the following:

1. Amend the County Service Area (CSA) No. 1, Rancho Calaveras, Sphere of Influence, to encompass the entire project property.
2. Annex the entire project property into CSA No. 1, Rancho Calaveras.
3. Pay the CSA No. 1, Rancho Calaveras, Annexation Fee of \$1,340.

DM/tw

enclosure: Board of Supervisors Resolution No. 94-225

cc: Richard Slawson, C/O Michael D. Hakeem, Agent, Calaveras River Estates
Tim O'Bryan, CSA No. 1 Road Committee Chair