

Calaveras LAFCO

Item 7

Executive Officer's Report

May 20, 2024

TO: Calaveras Local Agency Formation Commission
FROM: John Benoit, Executive Officer
SUBJECT: UPUD Sphere of Influence Amendment and Northern Annexation to the Union Public Utility District (UPUD)

EXECUTIVE OFFICER'S RECOMMENDATIONS: Adopt the proposed Resolution 2024-0004 adopting a Sphere of Influence Amendment (see attachment #1) and Resolution 2024-0005 (see attachment #2) approving LAFCO project 2024-0001, the Northern Annexation to the UPUD. The Sphere of Influence amendment is to include all the properties and is contiguous with the Northern Annexation. This Annexation/Sphere of Influence amendment is a request from the UPUD containing 103.52 acres including six parcels of land APN 034-003-137,102,103, 034; 068-045-009 & 010.

Suggested Motions:

1. *Adopt Resolution 2024-0004 approving a minor Sphere of Influence amendment of approximately 103.52 acres more or less for the Union Public Utility District to provide water services to the territory including APN's 034-003-137,102,103, 034; 068-045-009 & 010.*
2. *Adopt proposed Resolution 2024-0005 approving an annexation consisting of 103.52 acres more or less to the Union Public Utility District including APN's 034-003-137,102,103, 034; 068-045-009 & 010 subject to recommended terms and conditions.*

I. BACKGROUND:

UPUD was formed on July 26, 1946 as an independent special district.¹ The District was formed to provide agricultural and domestic water services. PG&E served water to the UPUD service area until 1961 when UPUD acquired its water supply and distribution system from the Calaveras Water Users Association.

The principal act that governs the District is the Public Utility District Act.² The principal act empowers the District to acquire, construct, own, operate, control, or use works for supplying light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposal of garbage, sewage, or refuse

¹ Board of Equalization Official Date.

² Public Utilities Code §15501-17501.

matter.³ In addition, the District may acquire, construct, own, complete, use, and operate a fire department, street lighting system, public parks and other recreation facilities, and provide for the drainage of roads, streets, and public places.⁴ Districts must apply and obtain LAFCO approval to exercise services authorized by the principal act but not already provided (i.e., latent powers) by the district at the end of 2000.⁵

The boundaries of UPUD extend in the north to the Utica Canal north of Murphys, encompass the community of Murphys, encompass Vallecito and Douglas Flat, and extends south of there along South Ditch to include the community of Carson Hill. The District has a boundary area of approximately 19.1 square miles.

The District's SOI is coterminous with its bounds.

Boundary History

Other than the District's formation in 1946, the district has had no annexations with the exception of the Padou Annexation completed in 2019 which added an additional 79.5 acres near the Northern Annexation area.

The District bounds encompass agricultural preserves (747 acres), community centers (447 acres), community plan areas (5,589 acres), residential centers (977 acres), single-family residential (498 acres) and timberlands (3,851 acres). Local business activities include hotels and motels, restaurants, shops and wineries.

UPUD provides raw and treated water services. The District relies directly on UWPA for delivery of surface water from the North Fork Stanislaus River to UPUD facilities; UWPA, in turn relies on upstream CCWD facilities. The District does not provide recycled water services.

A. Summary of proposal:

A request by the UPUD to annex approximately 103.52 acres more or less to the District. The purpose of this annexation is to receive domestic water services from the UPUD.

The UPUD adopted Resolution 2023-013 initiating proceedings for a Minor Sphere of Influence Amendment and Annexation of the Territory to the District (See attachment #3).

A Sphere of Influence amendment to include the 103.52-acre area more or less is necessary to bring the parcels into the UPUD Sphere of Influence. The territory is currently covered with Chemise and Chaparral and contains 2 dwelling units.

The District's boundaries and current Sphere of Influence are coterminous and contiguous to the district boundary.

³ Public Utilities Code §16461.

⁴ Public Utilities Code §16463.

⁵ Government Code §56824.10.

B. Proposal and Justification

The purpose of the annexation is to obtain water service connections to serve the territory to ensure consistent water management regulations in water policies ensuring safe and reliable water during drought periods, provide a reliable revenue source to the UPUD and improved land management.

C. Location:

The proposed sphere amendment is located north of the UPUD boundary.

D. Purpose

The purpose of this Sphere of Influence and annexation and Sphere of Influence Amendment into the Union Public Utility District is for reliable domestic water services.

II. ANALYSIS

A. Accepted for filing: April 17, 2024

B. Publication and Posting: April 17, 2024

C. Compliance with CEQA:

| | |
|------------------------|----------------------------|
| Lead Agency: | LAFCo |
| Environmental Finding: | Exempt (see attachment #4) |
| Date of Finding: | May 20, 2024 |

D. Compliance with applicable Plans:

The proposed annexation conforms to the Calaveras County General Plan, 5 to 40 acre minimums and Natural Resource – Mineral Resource Zone 2B. The minimum parcel size in the General Plan Update with a designation of 40-acres.

E. Compliance with applicable Spheres of Influence:

The proposed annexation is not within the Sphere of Influence for the UPUD and therefore a Sphere of Influence amendment is necessary, which is included in this report.

F. Existing Land Use Plan and Zoning

| | |
|------------------------|--|
| -LAND USE DESIGNATION: | Natural Resource Mineral Resource Zone 2B and Future Single Family Residential |
|------------------------|--|

| | |
|----------|------------------------|
| -ZONING: | Residential/Commercial |
|----------|------------------------|

-DWELLINGS: Two

-POPULATION: uninhabited (less than 12 registered voters)

-REGISTERED VOTERS: six

VALUATION: \$1,435,751.00

G. LANDOWNER (S)/APPLICANTS: UPUD

H. Existing Land Use and Zoning for Surrounding Territory:

The current land use for the Annexation Area is Future Single Family Residential-5 acres, Natural Resource, and MRZ 2B.

Proposed zoning will be a 40-acre minimum once the General Plan is completed and a new Zoning Ordinance is in place.

I. Proposed Development: Single Family Dwelling

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 UPUD as stated in Calaveras County Resolution 81-347 shown as Exhibit C to proposed LAFCO Resolution 2018-0007.

K. Existing and Proposed Service Agencies:

| Service: | Existing Provider: | Proposed Provider: |
|-------------------------------------|---------------------------|---------------------------|
| School Districts | Calaveras Co. | Same |
| Fire Protection | Murphys Fire | 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 | UPUD Septic |
| Street Lighting | None | None |
| Roads | Calaveras County | Calaveras County |
| Emergency Services | Murphys Fire Protection | Same |

III. SPHERE OF INFLUENCE AMENDMENT- Policy

Calaveras LAFCO Policies adopted in 2002 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). 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.

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 UPUD sphere adopted on September 18, 2023.

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.

A Sphere Amendment is required to serve water to the properties prior to approval of an annexation request.

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 Union Public Utility District. 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 and two residences. There are parcels with limited development potential within the proposed Sphere of Influence boundary. The existing land uses surrounding the subject lands consist of Natural Resource and Mineral Resource zone and 5-acre future residential development.

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 need domestic water services; The Union Public Utility District provides domestic and agricultural water services. The UPUD has agreed to provide one service connection each of the parcels. Since the territory will be using water from the UPUD, the owners of the parcels will need to meet the requirements of the UPUD for service.

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

The UPUD provides water service to existing development within its boundaries. When the District was formed, the territory included in the proposed annexation area was not included. The district has the capacity to provide the connections needed.

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 UPUD and is proposed to be included within its boundaries and its Sphere of Influence. The UPUD is the water service provider within this part of Calaveras County.

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 area 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.
 - (p) Information contained in a Local Hazard mitigation plan.

These factors will be reviewed with regard to this annexation to the Union Public Utility District.

- (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 parcel is more or less equal to the minimum zoning requirements and general plan density and further land divisions are unlikely.

- (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.

Domestic Water is needed for a Single Family Dwelling and the UPUD has agreed to the connections.

- (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

- (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. There are no split lines of assessment.

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

N/A

- (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 UPUD Sphere boundary. A Sphere of Influence Amendment for the UPUD is needed to annex the territory.

- (i) The comments of any affected local agency.

The County Planning Dept. wrote a letter stating the territory is not within the Community Plan Area. One connection will not impact the integrity of the Community Plan as the parcel is designated for rural residential resource production uses. Much of the existing district boundary of the UPUD is also not with a county community plan area.

- (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 UPUD has the ability to provide the water service provided the owner of the parcel contributes their fair share for infrastructure maintenance.

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

Water is available upon annexation

- (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, Mineral Resource Area, Future Single Family Residential 20-acre and 5-acre parcel sizes and Natural Resource with an unclassified zoning

(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.

(p) Information contained in a local hazard mitigation plan.

At issue is this territory is in a high local fire hazard zone albeit public water will mitigate effects of a fire provided fire safe construction practices are implemented.

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, the UPUD and Calaveras County have communicated on this annexation.

LAFCO Policy 2.2. Urban Development

The proposed project will not result in a change in the densities specified the General Plan.

LAFCO Policy 2.3. Discouraging Urban Sprawl

N/A

LAFCO Policy 2.4. Environmental Consequences (CEQA)

This action is exempt from CEQA (see Attachment #4).

LAFCO Policy 2.5. Balancing Jobs and Housing

N/A

LAFCO Policy 2.6. Compact Urban Form and Infill Development Encouraged

N/A

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 District, which is limited to domestic and agricultural water.

LAFCO Policy 2.8. Ability to Provide Adequate Services

The UPUD has the ability to provide adequate services to the proposed area provided payment for services is received.

LAFCO Policy 2.9. Efficient Services

The proposed annexation territory will become part of the existing UPUD.

LAFCO Policy 2.10. Community Impacts

N/A

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 UPUD 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." There will be no impact regarding the conversion of agricultural lands with this annexation

The purpose of this annexation is to receive district water

LAFCO Policy 2.15. Need for Services

There is no direct need for services for the territory. The purpose of the UPUD is to provide water services.

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 the UPUD is consistent with Calaveras LAFCO policies.

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

The annexation to the UPUD is consistent with the Sphere of Influence as proposed to be amended.

LAFCO POLICY 4.1.c) Plan for Services Required.

The UPUD has adopted a plan for services shown in Attachment #3.

LAFCO POLICY 4.1.d) Contiguity.

The proposed annexation is contiguous to the UPUD

LAFCO POLICY 4.1.e) Piecemeal Annexation Prohibited.

This annexation is for the northern Annexation only.

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 UPUD can provide the services required.

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

The proposed annexation to the UPUD will have no adverse impact on other agencies or existing service recipients.

LAFCO POLICY 4.2. Determination of the Most Efficient Service Provider

The UPUD will be the most efficient service provider for road services.

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

The UPUD 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 to be annexed. Residents will benefit from being part of the UPUD.

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 UPUD.
- ii) The UPUD has the resources to provide the services including financial resources.
- iii) The UPUD has historically been a good service provider to the residents.
- iv) The UPUD 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 UPUD 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 "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 the UPUD is a logical and efficient way to provide for domestic water services.

V. Comments from the public and public agencies.

None received

VI. ALTERNATIVE ACTIONS BY THE COMMISSION

The above considerations are the basis to support the inclusion of 103.52 acres more or less to the UPUD.

Based upon the foregoing, it is the recommendation of LAFCO staff that the above stated recommendations be approved by adopting the attached Resolution 2024-0004 Making Determinations and Approving the Sphere of Influence Amendment for the Union Public Utility District to include 103.52 additional acres more or less into its Sphere of Influence and approval of the northern annexation of 103.52 acres more or less to the district by approving Resolution 2024-0005.

VII. Staff Recommendations

Staff recommends the Commission approve the Sphere of Influence Amendment by adopting Resolution 2024-0004 and approve the Annexation subject to the terms and conditions stated in Resolution 2024-0005.

Respectfully Submitted,

John Benoit,
Executive Officer

Attachments:

1. *Proposed Resolution 2024-0004 – Sphere of Influence*
2. *Resolution 2024-0005- Annexation*
3. *UPUD Initiating Resolution*
4. *Notice of Exemption*

CALAVERAS LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving a minor Sphere of Influence Amendment for the Union Public Utility District thereby adding 103.52 acres more or less consisting of the Northern Annexation Properties

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 the Union Public Utility District; and

WHEREAS, the Commission has set the hearing date of March 20, 2024, for an amendment of the sphere of influence for the Union Public Utility District 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 the UPUD to add 103.52 acres more or less to Union Public Utility District for water 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 LAFCo has prepared a Notice of Exemption for this Sphere of Influence amendment and subsequent annexations 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 the UPUD 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 March 20, 2024 and are incorporated herein.

Calaveras Local Agency Formation Commission
Resolution # 2024-0004: Union Public Utility District Sphere Amendment
March 20, 2024

4. 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 the UPUD 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 20 day of November 2024, by the following vote:

AYES:

NOES:

ABSENT:

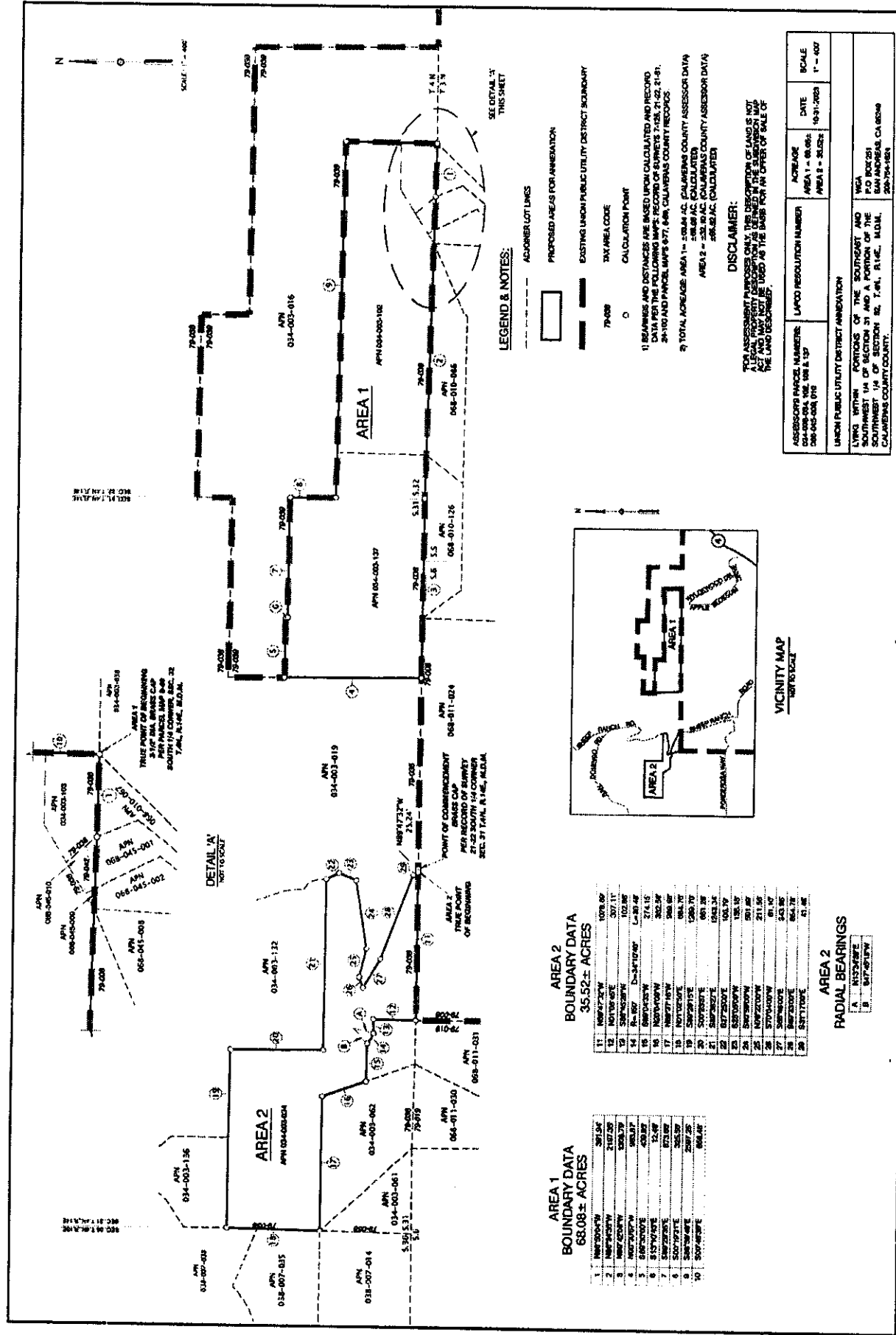
ABSTAIN:

Kirk Smith, Chai or Isabel Mondada, Vice-
Chair, Calaveras Local Agency Formation
Commission

Attest:

John Benoit, LAFCO Executive Officer
Calaveras LAFCO

Exhibit "A"



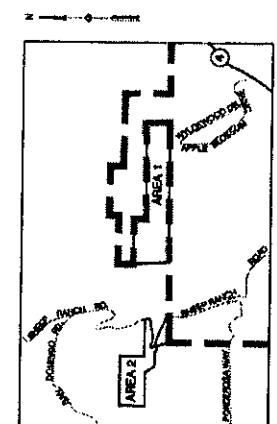
**AREA 1
BOUNDARY DATA
68.08 ± ACRES**

| | | |
|----|-------------|--------|
| 1 | N89°20'00"W | 38.84 |
| 2 | N10°00'00"W | 216.20 |
| 3 | N89°20'00"W | 38.84 |
| 4 | N10°00'00"W | 216.20 |
| 5 | S15°00'00"E | 12.48 |
| 6 | S87°00'00"E | 87.88 |
| 7 | S00°00'00"E | 365.59 |
| 8 | S87°00'00"E | 208.25 |
| 9 | S00°00'00"E | 365.59 |
| 10 | S00°00'00"E | 365.59 |

**AREA 2
BOUNDARY DATA
35.52 ± ACRES**

| | | |
|----|-------------|---------|
| 11 | N89°20'00"W | 1078.60 |
| 12 | N00°00'00"E | 307.11 |
| 13 | S89°20'00"W | 1078.60 |
| 14 | S10°00'00"E | 107.86 |
| 15 | S89°20'00"W | 274.15 |
| 16 | N00°00'00"E | 302.59 |
| 17 | N89°20'00"W | 346.87 |
| 18 | N00°00'00"E | 346.87 |
| 19 | N00°00'00"E | 1282.70 |
| 20 | S00°00'00"E | 671.28 |
| 21 | S87°00'00"E | 1043.24 |
| 22 | S00°00'00"E | 1043.24 |
| 23 | S87°00'00"E | 183.19 |
| 24 | S00°00'00"E | 391.88 |
| 25 | S87°00'00"E | 211.56 |
| 26 | S00°00'00"E | 61.47 |
| 27 | S87°00'00"E | 543.87 |
| 28 | S00°00'00"E | 365.59 |
| 29 | S87°00'00"E | 365.59 |
| 30 | S00°00'00"E | 365.59 |

**AREA 2
RADIAL BEARINGS
A - N153°45'00"E
B - S107°45'00"W**



PRELIMINARY

Resolution # 2024-0005

CALAVERAS LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving the Annexation of 103.52 acres to The Union Public Utility District (UPUD) to provide water services

WHEREAS, The UPUD has filed an application to annex 103.52 acres into The Union Public Utility District known as LAFCo File 2024-0001 Annexation to the UPUD. 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 The Union Public Utility District was approved to provide water services and other services permitted by section 15501-18055 of the Public Resources Code; and

WHEREAS, This Annexation amendment is a request from the UPUD containing 103.52 acres including six parcels of land APN 034-003-137,102,103, 034; 068-045-009 & 010.

WHEREAS, pursuant to Government Code section 56662 this Commission has authority to approve this annexation to said district 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 a notice of exemption 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 May 20, 2024.

WHEREAS, it is desired that the proposed annexation to the Union Public Utility District 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 the Union Public Utility District.
3. In reviewing this application, the Commission finds that water services to be provided by the Union Public Utility District are necessary and that there will not be a duplication of other powers provided by the Union Public Utility District 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 March 20, 2024, 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:

Northern Annexation to the UPUD (LAFCO File 2024-0001)
10. The boundaries of the affected territory are found to be definite and certain.

11. The application for the annexation to the Union Public Utility District (LAFCo 2024-0001) is hereby approved to provide water services within the territory.
12. Further protest proceedings are waived and the Commission orders the 103.52-acre annexation to the Union Public Utility District 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 including six parcels of land APN 034-003-137,102,103, 034; 068-045-009 & 010. described in Exhibits "A" and "B" to The Union Public Utility District without notice and election.
13. All UPUD previously authorized assessments; taxes, fees and charges shall apply to this annexed territory including upon recordation of the Certificate of Completion.
14. All final maps and geographic descriptions submitted to LAFCo shall state the following: *Calaveras LAFCo File 2024-0001 Northern Annexation to the Union Public Utility District;*
15. 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.
16. 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.
17. Three reproducible wet stamped copies, three large wet stamped copies, three 8 1/2 x 11 reductions and three copies of the wet stamped boundary description and an electronic copy of all maps and boundary descriptions shall be prepared by a Land Surveyor licensed in California and submitted to LAFCo prior to recordation of the Certificate of Completion.
18. 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.

19. The Executive Officer of this Commission is instructed to transmit a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
20. The Commission finds this project is exempt from the California Environmental Quality Act and the Notice of Exemption is hereby approved.
21. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings and all terms and conditions are met.
22. 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 unless an extension is requested in writing prior to the expiration date..

PASSED AND ADOPTED at a regular meeting of the Calaveras Local Agency Formation Commission, State of California, on the 20th day of March 2024 by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

Kirk Smith, Chair, or Isabel
Moncada, Vice-Chair Calaveras
Local Agency Formation
Commission

CALAVERAS LOCAL AGENCY
FORMATION COMMISSION
ATTEST:

JOHN BENOIT
Executive Officer

LAFCO Application No. _____

Attachment A

Union Public Utility District

Geographic Description

Area 1 consisting of APN's: 034-003-137, 034-003-102, 034-003-103, 068-045-009,
068-045-010

Area 2 consisting of APN: 034-003-034

Said area more particularly described as follows:

Area 1:

Portions of the Southeast 1/4 of the Southeast 1/4 of Section 31 and the Southwest 1/4 of the Southwest 1/4 of Section 32 of T. 4 N., R. 14 E. M.D.M. described herein the following ten (10) courses:

Beginning at the South 1/4 of Section 32, thence along the South line:

1. N88° 50' 04"W 391.94 feet; thence,
2. N88° 34' 35"W 2,197.35 feet to the Southeast corner of Section 31; thence,
3. N89° 42' 08"W 1,308.79 feet along the South line of Section 31 to the Southeast 1/16 corner; thence,
4. N00° 30' 57"W 983.87 feet; thence,
5. S89° 30' 00"E 439.95 feet; thence,
6. S13° 10' 43"E 12.48 feet; thence,
7. S89° 29' 35"E 873.65 feet to the East line of Section 31; thence
8. S00° 19' 31"E 325.58 feet along said East line; thence,
9. Leaving said Section line S88° 59' 48"E 2,597.25 feet; thence,
10. S00° 46' 38"W 658.48 feet to the **Point of Beginning** of Area 1 consisting of 68 acres more or less.

End Description of Area 1

PRELIMINARY

Area 2:

Portions of the Southwest 1/4 of Section 31 T. 4 N., R. 14 E. M.D.M. described herein the following nineteen (19) courses:

Beginning at a point on the South line of Section 31 that bears N89°47' 32"W 25.24 feet from the South 1/4 of Section 31 thence along the South line of Section 31:

11. N89° 47' 32"W 1,078.89 feet; thence departing the South line,
12. N01° 06' 45"E 307.11 feet; thence,
13. S88° 45' 28"W 102.86 feet; thence,
14. Along a horizontal curve to the right having a radius of 150 feet from a tangent bearing N76° 25' 22"W and arc length of 89.48 feet and an internal angle of 34° 10' 40"; thence,
15. S89° 04' 33" W 274.15 feet; thence,
16. N20° 04' 09" W 332.58 feet; thence,
17. N89° 37' 16" W 969.68 feet to the West line of Section 31; thence,
18. N01° 02' 50" E 664.76 feet along said West line to the Southwest 1/16 corner of Section 31; thence,
19. Departing said West line S89° 29' 15"E 1,289.70 feet to the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 31; thence,
20. S00° 23' 37"E 661.28 feet along the East line said Southwest 1/4 of the Southwest 1/4; thence,
21. Departing said East line S89° 38' 27 E 1,243.34 feet more or less along the North line of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 31, to a point where said South line intersects with Murphy's Sheep Ranch Road, a County Road; thence,

Departing said South line along the curvilinear of said road following the tangent lines of said road as setforth on that Record of Survey recorded February 2, 1969 in Book 1 at Page 125 of Calaveras County Records as follows:

22. S27° 25' 00"E 100.79 feet
23. S23° 05' 00"W 135.18 feet
24. S80° 58' 00"W 501.69 feet
25. N76° 22' 00"W 211.56 feet
26. S70° 04' 00"W 81.10 feet
27. S58° 48' 00"E 243.95 feet

PRELIMINARY

COUNTY OF CALAVERAS Exhibit "C"
STATE OF CALIFORNIA
AUGUST 3, 1981

1 RESOLUTION A RESOLUTION ADOPTING A STANDARD AGREEMENT FOR PROPERTY
NO: 81-347 TAX ALLOCATION UPON JURISDICTIONAL CHANGE AFFECTING SPECIAL
2 DISTRICTS

3 WHEREAS, Section 99 of the Revenue and Taxation Code req-
4 uires the Board of Supervisors to adopt a formal, 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 Tavel, White, Jackson, Kuehl and Iodato
19 NOES: None
20 ABSTAINED: None
21 ABSENT: None

22 *[Signature]*
Chairman, Board of Supervisors

24 ATTEST:
25 *[Signature]*
26 County Clerk and Ex-Officio
27 Clerk to the Board of Supervisors,
County of Calaveras, State of
28 California

28
29
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 Officers 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.