

MODOC LOCAL AGENCY COMMISSION

EXECUTIVE OFFICER'S REPORT

MEETING DATE: June 11, 2013 5:00 PM

TO: Local Agency Formation Commission

FROM: John Benoit, Executive Officer

SUBJECT: LAFCo File 2013-0001 - Hot Springs Valley Water District Reorganization

Attachments:

1. HSVWD Resolution 2013-0001 Initiating LAFCo Proceedings
2. Notice of Exemption
3. Resolution 2013-0003 approving a reorganization for the Hot Springs Valley Water District consisting of a detachment of 1072.37 acres more or less and annexation of 1085.59 acres more or less.

Summary:

The Hot Springs Valley Water District has applied to LAFCO to detach approximately 1072.37 acres from its district and to annex 1085.59 acres to its district. Modoc LAFCO is the principal LAFCO for purposes of this reorganization since the majority of the assessed value of land is within Modoc County. The territory is entirely within Modoc County. As a result of this application there are no lands proposed to be detached from any other irrigation district or domestic water provider. Modoc LAFCO policies and the Cortese-Knox Act would have required detachment of lands from other service providers had a conflict existed. As a result, this report includes only detachments from the Hot Springs Valley Water District and annexations to the Hot Springs Valley Water District.

Background information the Hot Springs Valley Water District is included in the Municipal Service Review adopted by Modoc LAFCo on August 21, 2012 by LAFCo and the Sphere of Influence Update adopted by Modoc LAFCo on February 12, 2013. Territory to be detached were deleted from the District's Sphere of Influence and territory to be annexed is included in the district's Sphere of Influence as updated in February 2012.

Based on assessments for irrigation purposes, the Hot Springs Valley Water District has approximately 13,000 acres of territory.

This project is exempt from the provisions of the California Environmental Quality Act since this action involves several minor annexations and detachments in an agricultural area and no change in land use will occur nor is contemplated for the subject

territory. Staff recommends approval of a Notice of Exemption based on Class 19 Changes of Organization for local agencies where existing and proposed structures are exempt from the California Environmental Quality Act and the General Rule exemption since this action cannot or could not have an effect upon the environment.

Staff recommends that the Modoc Local Agency Formation Commission approve the reorganization for the Hot Springs Valley Water District.

Proposal and Justification:

Lands proposed to be detached are not in need of irrigation water unlike lands proposed for annexation to the HSVWD. See exhibits C and D included in Attachment #1 the plan for services and statement of justification of proposal.

Location:

This property is located along the boundaries of the Hot Springs Valley Water District. The territory is generally located around Canby eastward to the City of Alturas.

Purpose:

The goal of this reorganization is to maintain the maximum irrigable acreage and to put to beneficial use the water available under the HSVWD's water rights. The justification is also to obtain a reliable water supply source through annexation to the Hot Springs Valley Water District.

Accepted for filing: May 1, 2013

Publication and Posting: May 16, 2013

Compliance with CEQA:

Lead Agency:	LAFCo at request of HSVWD
Responsible Agency:	
Environmental Finding:	Notice of Exemption (Attachment #2)
Date of Finding:	June 11, 2013

Compliance with applicable Plans:

The proposed reorganization conforms to the County of Modoc General Plans being in various agricultural designations including some territory under Williamson Act Contract.

Compliance with the Sphere of Influence:

A Sphere of Influence update has been completed. This proposal is consistent with the HSVWD Sphere of Influence. This proposal does not conflict with any other Sphere of Influence of any other agency.

Existing Land Use and Zoning:

LAND USE DESIGNATIONS:	Agriculture.
ZONING:	Agriculture
DWELLINGS:	On various properties
POPULATION:	N/A
REGISTERED VOTERS:	N/A
LANDOWNERS:	23

Existing Land Use for surrounding territory:

- North: Agriculture
- East: Agriculture
- South: Agriculture
- West: Agriculture

Proposed development: No development is proposed.

Fiscal data: Lands in this reorganization will not receive property tax revenue as a result of this change of organization. Parcels to receive irrigation water are not referenced to the Assessor’s parcel layer and there will be no changes in any tax rate area as a result. The HSVWD does not receive any property taxes from the county.

Existing service agencies:

School District:	Modoc Jt. Unified School District
Fire Protection:	Canby and Alturas Rural
General Government	County of Modoc

Police Protection	County of Modoc
Agricultural Water Service	HSVWD
Water and Wastewater:	N/A
Street Lighting:	N/A

Proposed service agencies:

School District:	No Change
Fire Protection:	No Change
General Government	No Change
Police Protection	No Change
Agricultural Water Service	Changes based on detachments and annexations
Water and Wastewater:	No Change
Street Lighting:	No Change

Conclusion:

The above considerations are the basis to support the reorganization (HSVWD) and Recommended actions are presented in accordance with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Based upon the foregoing, it is recommended that the above stated recommendations be approved by adopting the attached Resolutions Making Determinations and Approving the reorganization for the Hot Springs Valley Water District.

Governing Law and LAFCO Policy

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding detachments, annexations, incorporations, reorganizations, and other changes of government. LAFCO’s policies and procedures have been adopted to be consistent with the policy directives of the Act. Specifically, Policies adopted by Modoc LAFCO are designed to:

- a) Provide Information. Give applicants for changes of organization guidance as to the information LAFCO needs to make appropriate determinations

concerning their applications and provide information and notice to elected officials, governmental staff, and members of the general public as to the standards and procedures that LAFCO will use in evaluating applications.

b) Set Criteria. Provide applicants for changes of organization with explicit guidance as to the criteria LAFCO will use in approving, disapproving, amending, or conditionally approving applications for changes of organization.

c) Ensure Greater Consistency in LAFCO's decision-making process.

d) Facilitate Communication among local agencies in the region.

e) Minimize Adverse Impacts of the social, economic and environmental results of growth.

f) Provide for Planned, Well-Ordered Efficient Urban Development Patterns with appropriate consideration of preserving open space lands within those patterns.

The following table is provided as a guide for the Commission to consider.

This proposal complies with applicable legal and proposed policy requirements, as summarized below:

General Policies

<i>Policy</i>		<i>Comment</i>
Communication between local agencies is encouraged.	<i>N/A</i>	
Urban development proposals shall include annexation to a city where possible.	<i>N/A</i>	<i>The Territory is not planned or zoned for urban development</i>
LAFCO will normally deny proposals that result in urban sprawl.	<i>N/A</i>	<i>This project is not planned or zoned for urban development</i>
Environmental consequences (CEQA) shall be considered.	<i>Consistent</i>	<i>Class 19 exempts minor annexations for exempt purposes</i>
LAFCO will consider the impact of a proposal on the regional supply of housing for all income levels.	<i>N/A</i>	
LAFCO will favor proposals that promote compact urban form and infill development.	<i>N/A</i>	
Government structure should be simple, accessible, and accountable.	<i>Consistent</i>	<i>There is no indication of unnecessary complexity or lack of accessibility or accountability.</i>

Agencies must provide documentation that they can provide service within a reasonable period of time.	<i>N/A</i>	<i>The purpose of this reorganization is to maximize beneficial use of water.</i>
Efficient services are obtained when proposals: Utilize existing public agencies. Consolidate activities and services. Restructure agency boundaries to provide more logical, effective, and efficient services.	<i>N/A</i>	
Adverse impacts on adjacent areas, social and economic interests and the local government structure must be mitigated.	<i>N/A</i>	
Conformance with general & specific plans required.	<i>Consistent</i>	
Boundaries: Definite boundaries are required. Boundaries that are favored: Create logical boundaries & eliminate islands or illogical boundaries. Follow natural or man-made features and include logical service areas. Boundaries that are disfavored: Split neighborhoods or communities. Result in islands, corridors, or peninsulas. Drawn for the primary purpose of encompassing revenue-producing territories. Create areas where it is difficult to provide services.	<i>Consistent</i>	
Revenue neutrality required for all proposals.	<i>Consistent</i>	
Agricultural and Open Space Land Conservation Standards: Must lead to planned, orderly & efficient development. Approved Sphere of Influence Plan required. Findings with respect to alternative sites required. Impact on adjacent agricultural/open space lands assessed. Agricultural Buffers	<i>Consistent</i>	
Need for services exists when: Public health and safety threat exists. The residents have requested extension of non-	<i>N/A</i>	

growth-inducing community services. Subject area is likely to be developed for urban use within 5 years.		
Exceptions are justified on the following grounds: Unique. Standards Conflicts. Quality/Cost. No Alternative.	<i>N/A</i>	

Annexation and Detachment Policies—General

<i>Policy</i>		<i>Comment</i>
Proposals must be consistent with LAFCO general policies.	<i>Consistent</i>	
A proposal must be consistent with the agency's Sphere Plan	<i>Consistent</i>	
Plan for Services required.	<i>Consistent</i>	
Subject territory must be contiguous to the agency's boundaries if required by law, or if necessary for efficient service delivery.	<i>N/A</i>	
The detachment is necessary to ensure delivery of services essential to Health and Safety.	<i>N/A</i>	
The Successor provider will be the most efficient service provider	<i>N/A</i>	
The service plans for districts, which lie within a City's Sphere of Influence should provide for orderly detachment of territory from the district or merger of the district as district territory is annexed to the City.	<i>N/A</i>	
Detachment from a City or Special District shall not relieve the landowners within the detaching territory from existing obligations for bonded indebtedness or other indebtedness previously incurred.	<i>Consistent</i>	<i>The project proponents shall pay any bonded indebtedness to the HSVWD as applicable.</i>
Adverse impact of detachment on other agencies or service recipients is cause for denial.	<i>Consistent</i>	
Action options include: Approval. Conditional approval to require only a portion of the area to be detached. Denial.		

Comments from the public and public agencies

1. No comments received

Recommendation

Staff recommends the Commission take the following actions:

1. *Adopt Resolution 2013-0003 approving a reorganization for the Hot Springs Valley Water District consisting of a detachment of 1072.37 acres more or less and annexation of 1085.59 acres more or less.*