

Plumas LAFCO

Executive Officer's Report

October 21, 2019

TO: Plumas Local Agency Formation Commission

FROM: Jennifer Stephenson, Executive Officer

SUBJECT: LAFCO File 2019-0001 Reorganization including a 5.00-acre annexation to both the American Valley CSD and the Quincy FPD

EXECUTIVE OFFICER'S RECOMMENDATIONS: Adopt the proposed Resolution (Resolution 2019-0008 (see Attachment #1)) approving LAFCO project 2019-0001, a reorganization annexing 5-acres more or less of state-owned property to the American Valley Community Services District (AVCSD) and Quincy Fire Protection District (QFPD) subject to the recommended terms and conditions (herein after referred to as Annexation in this report).

Suggested Motions:

Adopt proposed Resolution 2019-0008 approving an annexation consisting of 5 acres more or less to the American Valley Community Services District for water and wastewater services and Quincy Fire Protection District for fire services subject to recommended terms and conditions.

I. BACKGROUND:

A. Summary:

The State of California has made an application for annexation of 5 acres more or less to the American Valley Community Services District and Quincy Fire Protection District on property located on Assessor's parcel #117-140-027 located in Quincy.

The purpose of this annexation is to include this area in the American Valley Community Services District to connect to AVCSD's water and wastewater system and in the Quincy Fire Protection District to ensure fire protection services on the site of the planned site of the California Highway Patrol replacement facility.

Government Code Section 56662 allows the Commission to make determinations without notice and hearing provided there is 100 percent landowner consent, the territory is uninhabited (less than 12 registered voters) and no agency has submitted a written demand for a notice and hearing within 10-days of receiving notice, which was mailed by LAFCo staff to agencies on May 10, 2019. This proposal qualifies since the State owns 100 percent of the land to be annexed, no demand for notice and hearing was requested,

the proposal is within the Sphere of Influence and there are less than 12 registered voters. Both districts have the ability to serve this parcel.

Staff recommends that the Plumas Local Agency Commission approve the annexation bringing the approximate 5 acres of territory into the American Valley Community Services District and the Quincy Fire Protection District, subject to the terms and conditions stated in the proposed Resolution 2019-0008.

B. Proposal and Justification

The purpose of the proposed project is to annex a total of 5 acres into the American Valley Community Services District in order to connect the proposed CHP facility to water and wastewater utilities. Simultaneously, the proposed project is to annex the same territory into the Quincy Fire Protection District to provide fire protection and emergency medical services to the proposed facility, as provided by QFPD.

In January 2019, LAFCo received an application for this annexation to the American Valley Community Services District and the Quincy Fire Protection District (LAFCo file 2019-0001). The purpose of this proposal to provide water, wastewater, and fire services for a proposed California Highway Patrol facility, as opposed to constructing a well and septic system and related infrastructure. This proposal is within the Spheres of Influence of both the AVCSD and QFPD. The AVCSD provides domestic water and wastewater collection and treatment services. Infrastructure for these services is in Lee Road running in front of the proposed area for annexation. QFPD provides fire and emergency medical services to the area up to Lee Road abutting the proposed annexation area.

C. Location and Property Address:

The property is located at 2037 Lee Road in Quincy, CA. The property is in the East Quincy area contiguous to the American Valley Community Services District and the Quincy Fire Protection District where Alta Avenue intersects with Lee Road. The property consists of APN 117-140-027.

D. Purpose

The purpose of this annexation into American Valley Community Services District and the Quincy Fire Protection District is for safe and reliable water supply, wastewater collection services, and fire services.

II. ANALYSIS

A. Accepted for filing:

September 12, 2019

B. Publication and Posting: Published in Feather River Bulletin on September 18, 2019. Posted with agenda.

C. Compliance with CEQA:

Lead Agency: California Highway Patrol
Responsible Agency: N.A.
Environmental Finding: Mitigated Negative Declaration (See Attachment 2)
Date of Finding: June 13, 2019

D. Compliance with applicable Plans:

Existing land use on the subject territory is pasture grazing. The County General Plan designates the territory as agricultural preserve but is also in a planning expansion area—an area delineated within the General Plan Land Use Map that identifies potential future expansion of a town or community boundary to accommodate additional growth, based upon such factors as the ability to provide services to the area. However, pursuant to Government Code 66428 (a)(2), the State is not subject to local zoning laws or the Subdivision Map Act.

E. Compliance with applicable Spheres of Influence:

The proposed annexation is within the Sphere of Influence for the American Valley Community Services District as adopted in 2017 and the Quincy Fire Protection District as adopted in 2014.

F. Existing Land Use and Zoning:

-LAND USE DESIGNATION: Agricultural Preserve
-ZONING: Agricultural Preserve
-DWELLINGS: none
-POPULATION: uninhabited
-REGISTERED VOTERS: 0

G. Landowner(s)/applicant(s): State of California - California Highway Patrol

H. Existing Land Use and Zoning for Surrounding Territory:

The current land use/zoning plan for the Annexation Area is Agricultural Preserve.

- North: Agricultural Preserve
- South: Periphery Commercial and Single Family Residential ½-acre
- West: Light Industrial
- East: Agricultural Preserve

I. Proposed Development: A replacement California Highway Patrol Facility

J. Fiscal Data: As a State-owned property, the property is exempt from taxation (California Constitution, Article XIII, Section 3(b)). There will be a zero property tax change for base property tax and zero property tax exchange for the annual tax increment for the territory to be annexed to AVCS and QFPD as stated in Plumas County Resolution 2019-8427 for services provided.

K. Existing and Proposed Service Agencies:

<u>Service:</u>	<u>Existing Provider:</u>	<u>Proposed Provider:</u>
School Districts	Plumas Unified	Same
Fire Protection	None	Quincy FPD
General Government	Plumas County	Same
Police Protection	Plumas County Sheriff	Same
Off-site Drainage and Flood Control	Plumas County	Same
Water and Wastewater	None	American Valley CSD
Street Lighting	Quincy Lighting District	Same
Roads	Plumas County	Same
Emergency Services	None	Quincy FPD

Conclusion:

The above considerations are the basis to support the inclusion of 5 acres to the American Valley Community Services District and Quincy Fire Protection District. Recommended actions are presented in accordance with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as they apply to this annexation.

Based upon the foregoing, it is recommended this annexation be approved by adopting attached Resolution 2019-0008 Making Determinations and Approving the CHP Annexation to the American Valley Community Services District and the Quincy Fire Protection District including 5 acres.

III. 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; 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) The 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.
- (h) The proposal's consistency with city or county general and specific plans.
- (i) The Sphere of Influence of any local agency which may be applicable to the proposal being reviewed.
- (j) The comments of any affected local agency or other public agency.
- (k) 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.

- (l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5
- (m) 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) Any information or comments from the landowner or landowners, voters, or residents of the affected territory
- (o) Any information relating to existing land use designations.
- (p) 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.
- (q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

These factors will be reviewed with regard to the CHP Annexation to the American Valley Community Services District and the Quincy Fire Protection District:

- (a) Population, and population density; land area and land use; 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 annexation is to serve a planned California Highway Patrol facility that will not have residents.

- (b) The 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.

At present, American Valley CSD and Quincy FPD serve areas immediately adjacent to the proposed annexation area and are capable of extending services to the annexation area.

The American Valley CSD water and wastewater mains run along Lee Road, which abuts the property. Connection costs to the water and wastewater system would be borne by the applicant. Without connection to these services, private septic and a well would be necessary on the property. Connection to a water and wastewater system is the preferred option, given historically high groundwater levels impacting septic and well installation as well as regulations on a what would be considered a nontransient noncommunity water system.

The nearest Quincy FPD fire station is approximately 250 feet away from the annexation property. As identified in the project Initial Study/Mitigated Negative Declaration it is anticipated that the additional employees associated with the facility would not generate substantial demand for fire protection, significantly affect the average response times or other performance metrics, or require provision of new fire protection facilities.

(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 likely have little effect on adjacent areas as the property is generally surrounded by agricultural land, a barn, and large lot residential. Across the street to the south is an animal hospital, residences, a few dining areas, gas stations, and some commercial uses. Additionally, the only change in local governmental structure will be the proposed annexation into AVCSD and QFPD. The County would continue to be the land use authority for the property.

(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. Government Code Section 56377 states the following:

56377. In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:

- (a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- (b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the Sphere of Influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of

the existing jurisdiction of the local agency or outside of the existing Sphere of Influence of the local agency.

The annexation area is designated as Agricultural Preserve in the Plumas County General Plan and zoned as the same. Some grazing occasionally occurs on the site. Plumas County is not mapped in the Farmland Mapping and Monitoring Program; however, the soils are rated by the USDA as Class 4 and 6, which do not meet the criteria for Prime Farmland.¹ The proposed annexation area is within the Sphere of Influence of both AVCSD and QFPD.

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

Government Code Section 56016 states the following:

56016. "Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.

The occasional grazing offered on the property meets the definition of agricultural lands in Section 56016. The parcel lines were redrawn to accommodate the proposed site, which minimizes the impact on the use of surrounding areas for these grazing purposes.

(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 area was originally comprised of a portion of two parcels (117-140-026 and 116-310-003), but a new APN has been allocated to the new parcel (117-140-027). The land will adjoin other land in AVCSD and QFPD.

(g) A regional transportation plan adopted pursuant to Section 65080.

The project is generally consistent with the Regional Transportation Plan adopted in 2010. The project environmental review found that with respect to conflict with any applicable plan, ordinance or policy regarding transportation that there were "less than significant impacts with mitigation incorporated." The mitigation measure is development and implementation of a Construction Traffic Management Plan.

(h) The proposal's consistency with city or county general and specific plans.

¹ CHP, Quincy Area Office Replacement Project Initial Study/Mitigated Negative Declaration, February 2019, p. 3-20.

While the proposed annexation area is designated as Agricultural Preserve in the 2035 Plumas County General Plan, it is also identified as a planned expansion area for the Quincy community. Consequently, the area is generally consistent with applicable plans. However, pursuant to Government Code 66428 (a)(2), the State is not subject to local zoning laws or the Subdivision Map Act.

(i) The Sphere of Influence of any local agency which may be applicable to the proposal being reviewed.

This proposal does not conflict with the Sphere of Influence of any other district providing similar services. This area is within the AVCSD and QFPD Spheres of Influence.

(j) The comments of any affected local agency or other public agency.

Letters of notification and solicitation of comments were mailed to the affected and other public agencies on May 10, 2019. LAFCO did not receive any comments.

(k) 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 American Valley Community Services District has indicated its ability to extend the water and wastewater services to the annexation area.² The most recent MSR (2015) for AVCSD (Quincy CSD and East Quincy CSD at that time) notes that water and wastewater services offered are adequate with certain challenges, in particular occasional positive coliform tests and capacity constraints at the wastewater treatment plant. The District is working to expand treatment capacity at its wastewater treatment plant. AVCSD's financing level was found to be sufficient to deliver services. As the CHP will be paying rates to cover utility costs to the property, it is anticipated that revenues will continue to be sufficient.

The Quincy Fire Protection District has indicated the ability to extend fire protection and emergency medical services to the annexation area.³ The most recent MSR (2013) for QFPD determined that services provided by the District appear to be adequate based on response times and the ISO rating. It is noted in the MSR that current financing levels are adequate following the approval of Measure A—a special tax measure of \$98.50 per developed and undeveloped parcel in 2013. Given that the property is state-owned, it is tax exempt, which precludes the QFPD from recouping its special tax on that property although services will be rendered. It is recommended that the State consider an annual payment equal to the special tax presently collected by QFPD on all other parcels to be used for fire mitigation.

² Phone call with General Manager Jim Doohan, May 7, 2019.

³ Phone call with Fire Chief Robbie Cassou, May 9, 2019.

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

Water will be available from the American Valley Community Services District for the proposed annexation.

(m) 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.

This application is not applicable to this consideration.

(n) Any information or comments from the landowner or landowners, voters, or residents of the affected territory

A public hearing notice was published in the Feather River Bulletin on September 18, 2019. No comments have been received.

(o) Any information relating to existing land use designations.

Existing land use on the subject territory is pasture grazing. The County General Plan designates the territory as agricultural preserve but is also in a planning expansion area—an area delineated within the General Plan Land Use Map that identifies potential future expansion of a town or community boundary to accommodate additional growth, based upon such factors as the ability to provide services to the area. However, pursuant to Government Code 66428 (a)(2), the State is not subject to local zoning laws or the Subdivision Map Act.

(p) 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. PLUMAS 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.A. Communication Between Local Agencies

Plumas LAFCO has determined that an important part of its role is to encourage and promote communication and collaborative planning and studies between public agencies (such as the county, cities and special districts), members of the public, and service-providing members of the private sector such as water and electric companies.

LAFCO has communicated with AVCSO, QFPD, and the County on this annexation on multiple occasions.

LAFCO Policy 2.B. Urban Development

Plumas LAFCO will encourage proposals that promote urban development to include annexation to a city or district where it is reasonable to do so, and to discourage proposals for urban development without annexation. Plumas LAFCO will also encourage cities and districts to annex lands that have been developed to urban levels, particularly areas that receive city or district services.

As stated in this policy, it is preferred that whenever possible urban development annex to available service providers. In this case, the proposed annexation area is within the Sphere of Influence of both AVCSO and QFPD; therefore, annexation to these areas aligns with this policy.

LAFCO Policy 2.C. Discouraging Urban Sprawl

Plumas LAFCO will discourage urban sprawl, and the Commission will make findings and deny proposals that can reasonably be expected to result in sprawl. Sprawl is characterized by irregular, dispersed, and/or disorganized urban or suburban growth patterns occurring at relatively low density and in a manner that precludes or hinders efficient delivery of municipal services, especially roads, public sewer and public water.

The property is within the General Plan area designated as planning expansion area—an area delineated within the General Plan Land Use Map that identifies potential future expansion of a town or community boundary to accommodate additional growth, based upon such factors as the ability to provide services to the area. And, as such, the annexation will not promote urban sprawl.

LAFCO Policy 2.D. Environmental Consequences (CEQA)

LAFCO shall operate in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 and the Guidelines for implementation of the California Environmental Quality Act. Like other public agencies, LAFCO is required to comply with the California Environmental Quality Act and consider the

environmental consequences of its actions. Each proposal must receive the appropriate environmental review for consideration by the Commission in making its decisions.

The CHP, as lead agency, compiled an initial study/mitigate negative declaration for the project. The study was released in February 2019. LAFCO provided comments on the draft report on May 7, 2019. The CHP approved a mitigated negative declaration and adopted a mitigation monitoring and reporting program on June 13, 2019.

LAFCO Policy 2.E. Balancing Jobs and Housing

Plumas LAFCO will encourage applications, which improve the regional balance between jobs and housing. Plumas LAFCO will consider the impact of a proposal on the regional supply of residential housing for all income levels. The agency that is the subject of the proposal must demonstrate to the Commission that any adverse impacts of the proposal on the regional affordable housing supply will be mitigated.

This policy is not applicable to this application.

LAFCO Policy 2.F. Compact Urban Form and Infill Development Encouraged

When reviewing proposals that result in urban development, Plumas LAFCO will consider whether the proposed development is timely, compact in form and contiguous to existing urbanized areas. Plumas LAFCO will favor development of vacant or under-utilized parcels already within a city or other urbanized area before annexation of new territory.

The property is within the General Plan area designated as planning expansion area—an area delineated within the General Plan Land Use Map that identifies potential future expansion of a town or community boundary to accommodate additional growth. The area is contiguous to existing urbanized areas and promotes compact development.

LAFCO Policy 2.G. Public Accessibility and Accountability

LAFCO recognizes that the public’s ability to participate in the local governance process is improved when the government structure is simple, accessible, and when decision-makers are accountable to those affected. The Commission will consider this principle when it evaluates proposals for change of organization or reorganization.

AVCSD holds regular public meetings. The Directors are elected and are accountable to the voters. The State Water Resources Control Board and the Regional Water Quality Control Board regulate the utility services provided by the District.

QFPD holds regular public meetings. The Directors are elected and are accountable to the voters. The services provided by the District are regularly reviewed by the Insurance Services Office.

LAFCO Policy 2.H. Adequate Services

Plumas LAFCO will consider the ability of an agency to deliver adequate, reliable and sustainable services and water resources, and will not approve a proposal that has significant potential to diminish the level of service in the agency’s current jurisdiction. The agency must provide satisfactory documentation of capacity to provide service within a reasonable amount of time.

Both districts demonstrated the ability to provide an adequate level of services in the most recent MSRs. AVCS D has water source and distribution capacity to provide services to the proposed area. AVCS D has capacity in its wastewater collection system to provide services. Although AVCS D has capacity constraints at its wastewater treatment plant, the District is in the process of addressing those constraints through expansion of the plant.

QFPD has response times appropriate to the area and an ISO rating similar to other Plumas County providers. Addition of a single parcel contiguous to QFPD’s boundaries is not anticipated to increase demand on the District.

LAFCO Policy 2.I. Efficient Services

Community needs are normally met most efficiently and effectively by proposals that:

1. Utilize Existing Public Agencies rather than create new ones.
2. Consolidate the Activities and Services of public agencies in order to obtain economies from the provision of consolidated services.
3. Restructure Agency Boundaries and service areas to provide more logical, effective, and efficient local government services.

The proposed annexation territory will become part of the existing districts, which will promote efficient services rather than forming a new district in the Sphere of Influence or other method of providing the services.

LAFCO Policy 2.J. Community Impacts

Plumas LAFCO will consider the impacts of a proposal and any alternative proposals on adjacent areas, on mutual social and economic interests, and on the local government structure. The Commission may deny a proposal if adverse impacts are not mitigated to an acceptable level.

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 districts.

LAFCO Policy 2.K. Conformance With General and Specific Plans

Plumas LAFCO will approve changes of organization or reorganization only if the proposal is consistent with the General Plan and relevant Specific Plans of the applicable planning jurisdiction.

While the proposed annexation area is designated as Agricultural Preserve in the 2035 Plumas County General Plan, it is also identified as a planned expansion area for the Quincy community. Consequently, the area is generally consistent with applicable plans. However, pursuant to Government Code 66428 (a)(2), the State is not subject to local zoning laws or the Subdivision Map Act.

LAFCO Policy 2.L. Boundaries

Plumas LAFCO will not accept as complete any application for a proposal unless it includes boundaries that are definite, certain, and fully described.

The boundaries of the proposed annexation are definite and no lines of assessment are split. One assessor’s parcel will be annexed.

LAFCO Policy 2.M. Revenue Neutrality

Revenue Neutrality Is Applicable to All Proposals. Plumas LAFCO will approve a proposal for a change of organization or reorganization only if the Commission finds that the proposal will result in a similar exchange of both revenues and service responsibilities among each affected agency. A proposal is deemed to have met this standard if the amount of revenue that will be transferred from an agency or agencies currently providing service in the subject territory to the proposed service-providing agency is substantially equal to the expense the current service provider bears in providing the services to be transferred.

The proposed annexation will not take revenue from any other special district or the County. As a State-owned property, the property is exempt from taxation (California Constitution, Article XIII, Section 3(b)). There will be a zero property tax change for base property tax and zero property tax exchange for the annual tax increment for the territory to be annexed to AVCS and QFPD as stated in Plumas County Resolution 2019-8427 for services provided. New district connections will be fee supported.

Given that the property is state-owned, it is tax exempt, which precludes the QFPD from recouping its special tax on that property although services will be rendered. It is recommended that the State consider an annual payment equal to the special tax presently collected by QFPD on all other parcels within its parcels to be used for fire mitigation.

LAFCO Policy 2.N. Agricultural and Open Space Land Conservation

A primary goal of Plumas LAFCO is the preservation of open space and prime agricultural lands. Plumas LAFCO will exercise its powers to preserve prime agricultural ("ag") land as defined in Section 56064 of the Government Code, and open space land as defined in Section 65560 of the Government Code pursuant to standards.

As noted in Plumas 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.”

This annexation project is not located on land meeting the LAFCO definition of prime agricultural land as stated in Government Code Section 56064.

LAFCO Policy 2.O. Need for Services

A need for the services that will be made available must be established. Plumas LAFCO will determine that a need for service exists if any of the following situations is present:

1. Public Health and Safety Threat - If the lack of the service creates a demonstrated threat to the public health and safety.
2. Community Needs - If a proposal includes the extension or provision of community services that are not considered growth inducing, such as fire protection, recreation, road maintenance, etc., and the residents of the area have indicated a desire for the service.
3. Five-year Urbanization - If a proposal will result in the extension of services that may reasonably be expected to result in urbanization of the subject territory, the area growth patterns must indicate that the subject area is likely to be developed for urban use within five years, if permitted, and local planning regulations provide.

The property owner has indicated a desire for the services offered by AVCS and QFPD. Additionally, the annexation area is in an area that is to be considered for expansion of the developed Quincy community core.

LAFCO Policy 2.P Tribal Lands

If a proposal involves an amendment or establishment of a Sphere of Influence or change of organization, which could ultimately lead to the provision of services to tribal lands, the proper tribal authority shall be informed of LAFCO's intention to seek a partial waiver of sovereign immunity prior to its approval of a change of organization.

This policy is not applicable to this application.

LAFCO Policy 2.Q Updated Municipal Service Review Required

At the time LAFCO receives an application for a Sphere of Influence amendment, information contained in the applicable Municipal Service Review (MSR) shall be reviewed and updated, as necessary. Revised determinations within an applicable MSR will be required when significant changes in the MSR baseline result in inconsistencies with existing MSR determinations.

The property is within the Spheres of Influence of AVCS and QFPD; therefore, no amendment is necessary.

LAFCO Policy 2.R. Exceptions

Plumas LAFCO may make exceptions to any of the standards in this Chapter if it determines that such exceptions can be justified (based on outlined grounds).

No exceptions to LAFCO Policy are recommended.

3. LAFCO POLICIES REGARDING ANNEXATIONS

Plumas LAFCO has adopted the following policies regarding annexations:

LAFCO POLICY 4.A.1 Consistency with LAFCO Policies

The annexation or detachment must be consistent with the General Policies set forth in Section II of this Chapter above.

As mentioned, the proposed annexation to AVCSD and QFPD is consistent with Plumas LAFCO policies.

LAFCO POLICY 4.A.2 Consistency with Spheres and Service Review

- a) The annexation or detachment must be consistent with the internal Spheres of Influence boundaries.
- b) The annexation must also be consistent with the applicable Municipal Service Review.
- c) Proposed annexations of lands that lie outside of the near-term sphere horizon are presumed to be inconsistent with the Sphere Plan.

The annexation to the AVCSD and QFPD is consistent with the Sphere of Influence and Service Review.

LAFCO POLICY 4.A.3 Plan for Services Required

Every proposal must include a Plan for Services that addresses the items identified in Government Code Section 56653. This Plan for Service must be consistent with the Municipal Service Review of the agency.

A plan for services was included as part of the application.

LAFCO POLICY 4.A.4 Contiguity

If required by statute, or if necessary to ensure efficient service provision, territory proposed to be annexed must generally be contiguous to the annexing city or district.

The proposed annexation is contiguous to the AVCSD and QFPD.

LAFCO POLICY 4.A.5 Piecemeal Annexation Prohibited

Plumas LAFCO will favorably consider proposals that are a part of an orderly, phased annexation program by an agency for territory within its Sphere of Influence.

Other parcels in this area are already in the district. This annexation will not result in piecemeal annexations of other parcels in the area.

LAFCO POLICY 4.A.6 Annexations to Eliminate Islands

Proposals to annex islands and that otherwise correct illogical distortion of boundaries will be approved unless they would violate another provision of these standards.

This policy is not applicable to this application.

LAFCO POLICY 4.A.7 Annexations that Create Islands

An annexation will not be approved if it will result in the creation of islands of incorporated or unincorporated territory or otherwise cause or further the distortion of existing boundaries.

The proposed annexation does not eliminate or create islands.

LAFCO POLICY 4.A.8 Service Requirements

An annexation or attachment shall not be approved merely to facilitate the delivery of one or a few services to the detriment of either existing or future delivery of a larger number of services or services more basic to public health and welfare.

Extension of services to the proposed annexation area by AVCS and QFPD does not appear to be detrimental or potentially detrimental to other customers or services.

LAFCO POLICY 4.A.9 Adverse Impact of Annexation on other Agencies or Service Recipients

Plumas LAFCO will deny annexation proposals that would result in significant adverse effects upon other service recipients or other agencies serving the affected area unless the approval is conditioned to avoid such impacts.

The proposed annexation to AVCS and QFPD will have no adverse impact on other agencies or existing service recipients.

LAFCO POLICY 4.A.10 Need for Services

An annexation will normally not be approved unless an agency can demonstrate there is a demand and need for services in the short-term and that the annexation will not be premature meeting the criteria in Section II N.

Without connection to water and wastewater services, private septic and a well would be necessary on the property. Connection to a water and wastewater system is the preferred option, given historically high groundwater levels impacting septic and well installation, as well as regulations on a what would be considered a nontransient noncommunity water system once installed.

Fire protection and emergency medical services are recommended for all structures and surrounding areas. The services offered by QFPD are essential to the planned project.

LAFCO POLICY 4.B. Determination of the Most Efficient Service Provider
Plumas LAFCO will approve an annexation and (or) detachment only if the Commission determines that the annexing agency possesses the capability to provide better services for the affected population.

AVCSD and QFPD will be the most efficient service providers for the relevant services, as they are located immediately adjacent to the proposed annexation area. There are no other feasible service providers in the vicinity. Both agencies have demonstrated in their MSRs the ability to provide adequate services.

LAFCO POLICY 4.B.1 Optimum Combination of Service and Cost
For purposes of this standard, the best provider is the agency that provides the best combination of service cost and service level.

AVCSD and QFPD are the most efficient providers of these services in this area. There are no other feasible service providers in the vicinity.

LAFCO POLICY 4.B.2 City Annexations and Detachments
In the case of a city annexation and detachment from a special district, LAFCO may consider the broader service issues in making the determination whether to approve the detachment and shift of services from the special district to the city.

This policy is not applicable to this application.

LAFCO POLICY 4.B.3 “Affected Population” Defined
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.

There are not presently, nor are there anticipated to be any inhabitants in the annexation area. The population already being served by AVCSD and QFPD will not be adversely affected in any way from this annexation. There are no other alternative service providers.

LAFCO POLICY 4.B.4 Factors to Be Considered
LAFCO shall take into account all of the following factors:

- a) Physical accessibility of the territory to the agency’s service provision resources.
- b) The agency’s possession of or ability to acquire resources necessary to provide the needed service.
- c) The agency’s historic service provision effectiveness and efficiency.

- d) The appropriateness of the agency’s organizational structure to meet service needs.
- e) The legislative policy established in the Cortese-Knox-Hertzberg Act to favor consolidation of services in a single multi-service provider over allowing the proliferation of single-purpose service agencies.
- f) The possibility of a negative effect on alternative service providers and those who use their services.
- g) Other information supplied by the agencies and (or) developed by LAFCO.
- h) The factors listed in Government Code Section 56668.

- a) The territory is physically accessible to the AVCS and QFPD.
- b) AVCS and QFPD have the resources to provide the services including financial resources.
- c) AVCS and QFPD have historically been good service providers to the residents.
- d) AVCS and QFPD are the appropriate service providers and the Board of each of the respective district will be accountable to the voters.
- e) The legislative policy of the Cortese-Knox-Hertzberg Act favors a single multi-service provider. While the territory is to be annexed into two districts, the project does not call for the formation of a new service provider or promote proliferation of special districts.
- f) There will be no adverse effect on other service providers and there is no other service provider for these specific services.
- g) There has been no further information provided by the agencies or developed by LAFCO.
- h) Factors listed in Gov. Code 56668 were previously discussed in this report.

LAFCO POLICY 4.B.5 LAFCO Responsibility for Determination
 LAFCO shall determine the most efficient overall service provider or combination of providers, not the affected agencies.

Although there are many service providers in Plumas County, LAFCO has determined that the most efficient way to provide for these services is to use special districts. The proposed annexations to AVCS and QFPD is a logical and efficient way to provide for water, wastewater, fire protection, and emergency medical service.

4. COMMENTS RECEIVED FROM THE PUBLIC AND AGENCIES

No comments received.

5. ALTERNATIVE ACTIONS BY THE COMMISSION

The Commission has the following alternatives for action:

Alternative #1

The Commission may wish to consider the annexation of the 5 acres as well as 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.

Alternative #3 Approve the project as submitted.

The Commission may approve the annexation as submitted for 5 acres.

6. STAFF RECOMMENDATION

Staff recommends the Commission approve the CHP Annexation, as submitted, to the American Valley Community Services District and Quincy Fire Protection District by adopting Resolution 20189-0008.

Respectfully Submitted,

Jennifer Stephenson,
Executive Officer

Attachments:

- 1. Proposed Resolution 2019-0008*
- 2. Notice of Determination*