

LOCAL AGENCY FORMATION COMMISSION MENDOCINO COUNTY

The Local Agency Formation Commission convened a regular meeting on Monday, September 8, 2003 at 10:03 AM, at the City of Ukiah Council Chambers, 300 Seminary, Ukiah.

AGENDA ITEM 1—CALL TO ORDER / ROLL CALL

Chairwoman Ranker called the regular meeting of the Local Agency Formation Commission of Mendocino County to order at 10:03 AM. The following Commissioners were present and seated: Delbar, O'Brien, Simon and Chairwoman Ranker. Also present were Alternate Commissioners Larson and Wagonet as well as Executive Officer McMichael. Commissioner Melo, Oslund and Colfax were absent but had called to indicate that they would be unable to attend; Alternate Commissioner Ward was absent. Alternate Commissioner Larson and Wagonet were immediately seated as Commissioners.

AGENDA ITEM 2—PUBLIC EXPRESSION

There was no one from the public who expressed an interest in speaking.

AGENDA ITEM 3—APPROVAL/CORRECTION/ADOPTION OF MINUTES

Because page 4 of 5 was missing from the Commissioner agenda packet, approval of the minutes of August 4, 2003 was continued to the October 6, 2003 meeting.

AGENDA ITEM 4—LAYTONVILLE OUT OF AREA SERVICE AGREEMENT

Chairwoman Ranker opened the public hearing at 10:05 AM. Upon a motion by Commissioner Simon seconded by Commissioner Wagonet proof of publication of public notice was accepted by unanimous vote: (Ayes: Simon, O'Brien, Delbar, Larson, Wagonet and Chairwoman Ranker; Nays: None; Absent: Melo, Oslund and Colfax).

Executive Officer McMichael made an oral presentation of his written report. Upon completion, Commissioner O'Brien asked questions as to the amount of water used for each household and the existing capacity of the District to provide service to the subject parcels. Jim Shields, Clerk of the Board for Laytonville CWD introduced himself, Michael Davis, President of the Board of Laytonville CWD and Dave White, General Manager of Laytonville CWD. Dave White then provided the requested information for the Commission.

Upon closure of the public hearing at 10:37 AM, and upon a motion by Commissioner Delbar seconded by Commissioner Simon, Resolution 2003-06 as provided below was approved for five out-of-area service agreements for Laytonville CWD by the following roll call vote: Ayes: Simon, O'Brien, Delbar, Larson, Wagonet and Chairwoman Ranker; Nays: None; Absent: Melo, Oslund and Colfax.

LAFCO RESOLUTION 2003-06

APPROVING AN OUT-OF-AREA WATER SERVICE AGREEMENTS BETWEEN LAYTONVILLE COUNTY WATER DISTRICT AND:

- (1) John Glass, 165 MULLIGAN RD., LAYTONVILLE, CA AP#014-260-26-01 (IN SPHERE OF INFLUENCE)
- (2) STEVE HILL, 44000 N HGWY. 101, LAYTONVILLE, CA AP# 014-500-20-00 (IN SPHERE OF INFLUENCE)
- (3) ED MITCHELL, 44000 N. HGWY. 101, LAYTONVILLE, CA., AP3014-260-55-01, AP# 014-260-58-01 (OUT OF SPHERE OF INFLUENCE)
- (4) JARED SILVA, 2015 BRANSCOMB RD., LAYTONVILLE, CA., AP#014-250-29-00 (OUT OF SPHERE OF INFLUENCE)
- (5) CHANNING WOODSUM, 43750 N. HGWY. 101, LAYTONVILLE, CA., AP#014-260-30-00 (OUT OF SPHERE OF INFLUENCE)

WHEREAS, the owners of the subject parcels have made application to the Laytonville County Water District for water service connection to the District's service; and

WHEREAS, the subject properties are outside the Laytonville County Water District boundary with two parcels within the sphere of influence of said District and three parcels outside of the sphere of influence of said District; and

WHEREAS, the District has concern that the homeowners at these locations have failing wells which are providing contaminated and unhealthy water on the subject properties that would result in health risks to the residents of said properties; and

WHEREAS, the reason for the out-of-area service agreements is that the District believes that it is in the interest of public health for the District to provide service to the existing development on these properties; and

WHEREAS, LAFCO has received a proposal for an out-of-area service agreement between the Laytonville County Water District and the five property owners indicated above; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report as per the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Government Code Section 56133 including his recommendation thereon, and the proposal and report have been presented to and considered by this Commission; and

WHEREAS, this Commission called for and held a public hearing on the proposal on Sept 8, 2003 where the Commission heard and received any and all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, the Commission has determined that the District has provided sufficient proof of the threat to public health in the form of testimony at the public hearing, letters from the District and reports from the U.S. Geological Survey and the EPA; and

WHEREAS, Government Code Section 56133(c) provides the authority for the Commission to authorize the Laytonville County Water District to provide water service outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to public health; and

WHEREAS, the Commission has determined that there is an impending risk to public health for the residents of the subject parcels due to contamination and failure of existing wells on the respective properties; and

WHEREAS, the Commission certifies that they have reviewed and considered the environmental document prepared for this proposal and a Notice of Exemption will be filed upon approval by the Commission; and

WHEREAS, an out-of-area water services contract will be executed between the Laytonville County Water District and the owners of the subject parcels and are attached hereto and by this reference are incorporated herein and the Commission has determined that the ability of the Laytonville County Water District to provide services to the subject parcels is adequate;

NOW, THEREFORE, BE IT DETERMINED, RESOLVED AND ORDERED BY the Local Agency Formation Commission of the County of Mendocino, as follows:

1. The out-of-area service agreements as noted in Exhibit A attached hereto and by reference incorporated herein, are approved for service to existing development on the subject properties.
2. The Laytonville County Water District is prohibited from providing service to new development on the subject properties utilizing these approved Out-of-District Water Service Agreements.
3. The Laytonville County Water District is required to seek annexation of these parcels and must submit an application to LAFCO no later than July 2004.

4. The territory of each parcel is found to be uninhabited, and the application is found to have 100 per cent landowner consent and is assigned the following distinctive short form designation:

LAYTONVILLE OUT-OF-AREA WATER SERVICE AGREEMENT—SEPTEMBER, 2003

5. The end date for the reconsideration period as required in Government Code Section 56895 subdivision (b) and Section 57002 is determined to be October 8, 2003.
6. The Chair is hereby authorized to sign and date the five Out-of-District Water Service Agreements.
7. The Executive Officer is hereby authorized to file and record the Notice of Exemption with the County Clerk.

Passed and adopted on Sept 8, 2003 by the following vote, to wit:

AYES:
NAYS:
ABSTAINS:
ABSENT:

Dated: September 8, 2003

F. Camille Ranker, Chairwoman—LAFO

AGENDA ITEM 5—REPORTS

At the August 4, 2003 meeting, direction was given to Executive Officer McMichael to contact county planning regarding their approval of Use Permit U11-2002 without acknowledging the requirements of Brooktrails CSD and LAFCO for approval of fire services to the subject location and that a report be placed on the September agenda regarding this issue. Executive Officer McMichael provided a report of his conversation with Julie Price at County Planning regarding the process of approval of Use Permit U11-2002. Upon completion of his report Executive Officer McMichael was directed to draft a letter to the Planning Commission and county planning staff for Commission review at the October 6, 2003 meeting.

Executive Officer McMichael then provided reports as to activities of applications by various districts. He indicated that he would be attending the CSDA annual conference, September 15th through 18th and that the office would be closed for this period. He also reminded the Commission that the CALAFCO conference was the following week, September 24th through 26th and that the office would be closed for this event as well.

There were no reports from Commissioners.

AGENDA ITEM 6—CORRESPONDENCE

The Commission received the letters from Mendocino County Resource Conservation District, Mendocino FPD and Comptche CSD and directed E.O. McMichael to draft a letter in response for their review at the Oct. 6, 2003 meeting.

AGENDA ITEM 10—ADJOURNMENT

Being no further business the Commission adjourned at 11:05 AM.