

EXECUTIVE OFFICER'S REPORT

To The

Local Agency Formation Commission

TO:

Commissioner	DON CAMPBELL (Chair)	[City]	Commissioner	MICHAEL KELLEY	[Supervisor]
Commissioner	JASON JACKSON (Vice-Chair)	[City]	Commissioner	RAY CASTILLO	[Supervisor]
Commissioner	DAVID WEST	[Public]			
	Alt Commissioner	JACK TERRAZAS			[Supervisor]
	Alt Commissioner	MARIA NAVA-FROELICH			[City]
	Alt Commissioner	VACANT			[Public]

REPORT DATE: March 7, 2014

FROM: Jurg Heuberger, AICP, CEP, Executive Officer

PROJECT: **CITY OF HOLTVILLE WASTEWATER OUTFALL MAIN & RESIDENTIAL COLLECTION PIPELINE, HV # 1-14**
Proposed extension of services to seven (7) county properties to the City of Holtville's Sanitary Sewer Main Pipeline.
APNs 045-390-033-000; 045-390-034-000; 045-390-039-000; 045-390-041-000; 045-390-054-000; 045-390-022-000; 045-440-041-000; totaling 3 acres.

HEARING DATE: **March 27, 2014** **TIME:** 8:40 AM

AGENDA ITEM NO: 12

HEARING LOCATION: IID Board Room, 1285 Broadway, El Centro, CA
(for directions call 760-353-4115)

RECOMMENDATION(S) BY THE EXECUTIVE OFFICER (In summary & order)

- OPTION #1:** Approve the proposed extension of services as presented by the Executive Officer and as requested by the applicant.
- OPTION #2:** Approve the proposed extension of services as presented with modifications, following the hearing by the Commission.
- OPTION # 3:** Continue the hearing for not to exceed 70 days (end date June 5, 2014).
- OPTION # 4:** Deny the extension of services.

Project Data:

DATA & FACTS:

Project ID	HV 1-14	Holtville
Project Name:	City of Holtville Sanitary Sewer Outfall Main Pipeline & Residential Sewer Collection Project	
Applicant/Proponent:	City of Holtville, Alexander P. Meyerhoff, City Manager	
Application Type:	Petition	
Application Filed:	February 19, 2014	EXHIBIT - A
Certificate of Filing:	N/A	
Area/Size:	3 acres (per application filed)	
Location/Legal:	Project is located along Cedar Avenue, E Underwood Road, E Alamo Road, and Orange Avenue in Holtville.	
Proposed Project:	Extension of Services – Proposed extension of services to seven (7) county properties to the City of Holtville’s Sanitary Sewer Main Pipeline.	

TAX AGREEMENT:

Board of Supervisors Action:	N/A
City Resolution:	N/A
Tax Split:	N/A

CEQA:

Lead Agency:	City of Holtville	
Documentation:	Initial Study	EXHIBIT - B

ANALYSIS

I: Project Description:

This project proposes to replace the City Sanitary Sewer Main Pipeline and connect seven (7) County properties in the process that are currently on septic.

City Council Approvals:

- 1) **AGREEMENT FOR SEWER SERVICE:** *Dated January 21, 2014, by the City of Holtville granting the County consumer permission to connect with existing sewer system of the City – Louis & Dolores Provencio* **EXHIBIT - C**
- 2) **AGREEMENT FOR SEWER SERVICE:** *Dated January 16, 2014, by the City of Holtville granting the County consumer permission to connect with existing sewer system of the City – Luis & Pamela Samaniego* **EXHIBIT - D**
- 3) **AGREEMENT FOR SEWER SERVICE:** *Dated January 28, 2014, by the City of Holtville granting the County consumer permission to connect with existing sewer system of the City – Guillermo & Beatrice Guerra* **EXHIBIT - E**
- 4) **AGREEMENT FOR SEWER SERVICE:** *Dated January 23, 2014, by the City of Holtville granting the County consumer permission to connect with existing sewer system of the City – Charles Lewis & Barbara Hartshorn* **EXHIBIT - F**
- 5) **AGREEMENT FOR SEWER SERVICE:** *Dated January 16, 2014, by the City of Holtville granting the County consumer permission to connect with existing sewer system of the City – Ruben Perez* **EXHIBIT - G**
- 6) **AGREEMENT FOR SEWER SERVICE:** *Dated January 16, 2014, by the City of Holtville granting the County consumer permission to connect with existing sewer system of the City – Carlos & Bertha Martinez* **EXHIBIT - H**
- 7) **AGREEMENT FOR SEWER SERVICE:** *Dated January 24, 2014, by the City of Holtville granting the County consumer permission to connect with existing sewer system of the City – Rodney & Gracie Tabita* **EXHIBIT - I**

II: County Land Use:

- 1) *County General Plan:* N/A
- 2) *County Zoning:* N/A
- 3) *Surrounding Land Uses:* N/A

III: Sphere of Influence:

EXHIBIT - J

The proposed project is within the boundary limits of the current Sphere of Influence for the City of Holtville.

CEQA:

Initial Study Prepared by the Border Environment Cooperation Commission.

EXHIBIT - B

Cortese/Knox/Hertzberg Reorganization Act of 2000:

Government Code Section 56668 specifically requires that certain factors be considered in the review of any proposal, and shall include but not be limited to Items A through P.

- (A) *Population, 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.*

Comment: The proposed project as identified in the Initial Study prepared by the Border Environment Cooperation Commission is a sewer connection project which will not affect population, assessed values, topography etc.

- (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.

Comment: This is a minor change to sewer service that is already being provided outside the city.

- (C) *The effect of the proposed action and of alternative actions, on adjacent area, on mutual social and economic interests, and on the local governmental structure of the County.*

Comment: This project will have no alternative actions to any landowners in the adjacent area.

- (D) *The conformity of both the proposed and its anticipated effect with both the adopted Commission policies on providing planned, orderly, efficient pattern of urban development, and the policies and priorities set forth in Section 56377.*

Comment: The proposed project is consistent with the majority of growth related policies adopted by the Commission.

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

Comment: This project does not affect the integrity of agricultural lands.

- (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 of corridors of unincorporated territory and other similar matters affecting the proposed boundaries.*

Comment: This project is not an annexation and therefore does not affect any boundary lines.

- (G) *A regional transportation plan adopted pursuant to Section 65080, and consistency with City and County General and Specific Plans.*

Comment: The project is not an annexation and therefore does not affect any regional transportation plans.

- (H) *The Sphere of Influence for any local agency, which may be applicable to the proposal being reviewed.*

Comment: This area will be within the City of Holtville's Sphere of Influence.

- (I) *The comments of any affected local agencies.*

Comment: No significant adverse comments have been received for this project by any responsible agency.

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

Comment: The City has indicated that it has adequate capacity to service this project area.

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

Comment: The project as analyzed by the City of Holtville indicates that the City does have adequate water for this project.

(L) *The extent to which the proposal will affect a city or cities and the county in achieving their respective far 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.*

Comment: This project does not provide for nor create an impact on housing.

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

Comment: None received as of the writing of this report.

(N) *Any information relating to existing land use designations.*

Comment: N/A

(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.*

Comment: The proposed project is an extension of sewer services to county properties and to the knowledge of LAFCO has no imposed conditions or proposed development standards that adversely affect any group of individuals.

(P) *Other considerations!*

Comment: NA

Public Notice:

Public notice for the proposed project hearing before the Imperial County Local Agency Formation Commission has been given, according to Section 56660 and 56661. Notice was issued in the form of a publication in the Holtville Tribune at least twenty (20) days prior to said hearing, and posted on the Web. In addition, direct mail notices were at least sent to all property owners within 500 feet in the incorporated territory and within one mile of the unincorporated areas.

Report:

In accordance with Section 56665, the Executive Officer has prepared a report, and presented said report to your Commission and to any public member requesting such report. In addition, a copy of said report has been issued to the applicant, the County Counsel, County Executive Office, County Public Works, Imperial Irrigation District, City of El Centro, El Centro Regional Medical Center, and the Applicant.

Conflict of Interest Statement:

To date (at the writing of this report) no Commissioner has indicated that there is any conflict of interest with regard to this project, nor has any Commissioner reported any communications with the Applicant, Proponent or Opponent. The Commissioners will be asked to declare that during and prior to the public hearing. The Executive Officer does not have any known conflict of interest, does not own any property within the project area, but does own a home within an older section of the City of El Centro.

EXECUTIVE OFFICERS RECOMMENDATION

RECOMMENDATION:

It is the recommendation of the Executive Officer that LAFCO conduct a public hearing and consider all information presented in both written and oral form. The Executive Officer then recommends, assuming no significant public input warrants to the contrary, that LAFCO take the following action:

- I: Approve the extension of services by taking the following four (4) steps.
- 1: Certify the Negative Declaration as prepared by the Border Environment Cooperation Commission and approved by the City.
- 2: Make the finding that this project with the conditions imposed herein (or as modified) is in substantial compliance with the provisions of the Cortese/Knox/Hertzberg Reorganization Act of 2000 and the Imperial County LAFCO Policy and Procedures.
- 3: Make the findings pursuant to Government Code Section 56375 that:
 - a) The project is an extension of services only, not an annexation, therefore does not require pre-zoning.
 - b) The extension of services is only to connect the identified users and no other connections shall be allowed without the express approval of LAFCO.
- 4: The City must provide an executed copy of all seven Agreements for Sewer Service for each land owner with City signatures.
- 5: The annexation shall not be recorded until all conditions have been completed and all costs paid in full.

LAFCO Policy:

The proposed extension of services application appears to be consistent with the Cortese/Knox/Hertzberg Reorganization Act of 2000, the Imperial LAFCO Policies and Procedures and the County of Imperial General Plan (Chapter IV. B. of LAFCO's Policies, Standards and Procedures). Furthermore, the IID has (according to the Service Area Plan and/or its resolution of application) the ability to supply the necessary public service, and has assured LAFCO that it has the capacity to service the area.

cc: County Board of Supervisors
County Executive Officer
County Assessor
Raymond Loera, Sheriff
George Pacheco, Public Works
Tony Rohoutas, Fire/OES
Mike Rood, County Counsel
Jim Minnick, Interim Planning Director/County

Applicant
Douglas R. Newland, Auditor – Controller
Bill Brunett, Public Works Director
Brad Poiriez, APCD
Imperial Irrigation District, General Manager
County Office of Education
City of Holtville
The Holt Group
HV 1-14, Holtville Wastewater Outfall Main & Residential Collection Pipeline

ATTACHMENTS:

EXHIBIT A - Application
EXHIBIT B – Initial Study
EXHIBIT C - Agreement for Sewer Service
EXHIBIT D - Agreement for Sewer Service
EXHIBIT E - Agreement for Sewer Service
EXHIBIT F - Agreement for Sewer Service
EXHIBIT G – Agreement for Sewer Service
EXHIBIT H - Agreement for Sewer Service
EXHIBIT I – Agreement for Sewer Service
EXHIBIT J - Sphere of Influence Map
EXHIBIT K – Map