

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: April 2, 2014

FROM: Jurg Heuberger, AICP, CEP, Executive Officer

PROJECT: CITY OF CALEXICO, CX 1-13
Proposed water and wastewater extension for the US Border Patrol Facility
APN 059-190-019-000

HEARING DATE: April 17, 2014 **TIME:** 8:40 AM

AGENDA ITEM NO: 9

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 July 1, 2014).
- OPTION # 4:** Deny the extension of services.

Project Data:

DATA & FACTS:

Project ID	CX 1-13	Calexico
Project Name:	Calexico Border Patrol Station Extension of Services	
Applicant/Proponent:	U S Border Patrol	
Application Type:	Petition	
Application Filed:	March 11, 2014	EXHIBIT - A
Certificate of Filing:	N/A	
Area/Size:	30 acres +/- (per application filed)	
Location/Legal:	Project is located east of the City of Calexico, south of Hwy 98 and east of the Alamitos Canal	
Proposed Project:	Extension of Services – Proposed extension of services to one (1) parcel of land owned by the US and upon which the Border Patrol Station is located.	

TAX AGREEMENT:

Board of Supervisors Action:	N/A
City Resolution:	None to date
Tax Split:	N/A

CEQA:

Lead Agency:	LAFCO
Documentation:	Exempt

ANALYSIS

I: Project Description:

This project proposes to connect the existing US Border Patrol Station (shown on the attached maps) to the City of Calexico for the purpose of providing wastewater and water service. This is a request to extend services to one parcel, and one parcel only, that being the parcel owned by the Border Patrol.

Nothing in the application or this report requests or contemplates the approval for services to any parcel of land other than the Border Patrol Station.

I: City Council Approvals:

To date we have not received any information from the City.

II: County Land Use:

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

III: Sphere of Influence:

EXHIBIT - B

The proposed project is outside, but immediately adjacent to the boundary limits of the current Sphere of Influence for the City of Calexico.

CEQA:

Exempt.

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 only affects one parcel owned by the US Government and said parcel is already developed for government use. It will not change the population, density or land use. The assessed value is somewhat moot as the US government does not pay taxes. The parcel, the use and the proposed extension of services are not considered growth inducing insofar that the project is not a development and the extension of services is limited to this parcel and this existing use only.

- (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 application seeks to obtain services from an existing adjacent provider rather than own and operate its own system. All costs associated with this extension would have to be and would be borne by the proponent. The City would not be obligated to provide any other governmental services if in fact it determines that it will provide these requested services.

- (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 proposal, i.e. the extension of services will have no affect to any landowners in the adjacent area, as the land use already exists.

- (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 extension is consistent with the majority of growth related policies adopted by the Commission. It is also consistent with policies of the Commission to provide potable water and wastewater treatment services to assure quality public health. Further it is consistent with the policies of the Regional Water Quality Control Board insofar as limiting small and independent providers of such service when it is financially and technically feasible.

- (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. The only issue that could be mitigated through conditions, is that his project is outside the current Sphere of Influence, but is contiguous.

- (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 is not within the City of Calexico's Sphere of Influence. The Commission has the prerogative to deny the application due to this fact or the Commission could direct that a minor modification to the Sphere be made prior to the City being allowed to provide such service.

(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 not indicated that it has adequate capacity to service this project area. A condition of approval is to require proof from the city that it has the capacity and until such time that LAFCO is assured that capacity exists, the approval would be not be effective.

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

Comment: The project has not received approval from the City and the City has provided no information on availability.

(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.*

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 water and sewer services to a government entity.

(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 IV Press at least ten (10) 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 Calexico, 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 consider the following options:

Option 1:

Deny the extension of services as requested;

Option 2:

- I: Approve the extension of services by taking the following seven (7) steps.
- 1: Make the finding that the proposed project is exempt from CEQA
- 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 WATER services only, not an annexation, therefore does not require pre-zoning.
 - b) The extension of services is only to connect the identified user and no other connections shall be allowed without the express approval of LAFCO.
 - c) The project proposes to provide water and sewer services from an adjoining provider that would assure a quality equal to or better than currently provided which in the interest of public health.
 - d) The approval is contingent on the City first requesting an amendment to the Sphere of Influence for this parcel only. In the alternative the applicant may apply for a sphere of influence modification provided the City agrees to the minor modification.
- 4: The City must provide an executed copy of an Agreement for Water and Sewer Service for this parcel only.
- 5: The extension for service shall not be deemed complete and the City is prohibited from extending the service until all conditions have been completed and all costs paid in full.
- 6: The extension of service (Water) to this parcel (APN 059-190-19) is limited to this parcel and this parcel alone, and any connection other than this parcel is a violation of this approval.
- 7: Applicant is required to pay all fees to LAFCO prior to LAFCO issuing a final approval to the City.

Option #3:

- I: Approve the extension of services by taking the following seven (7) steps.
- 1: Make the finding that the proposed project is exempt from CEQA
- 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 WATER services only, not an annexation, therefore does not require pre-zoning.
 - b) The extension of services is only to connect the identified user and no other connections shall be allowed without the express approval of LAFCO.
 - c) The project proposes to provide water and sewer services from an adjoining provider that would assure a quality equal to or better than currently provided which in the interest of public health.
 - d) The project is outside the Sphere of Influence however do to the fact that this is an extension of service (water) between to government agencies and no private land is included, the City is authorized to provide this service.
- 4: The City must provide an executed copy of an Agreement for Water and Sewer Service for this parcel only.
- 5: The extension for service shall not be deemed complete and the City is prohibited from extending the service until all conditions have been completed and all costs paid in full.
- 6: The extension of service (Water) to this parcel (APN 059-190-19) is limited to this parcel and this parcel alone, and any connection other than this parcel is a violation of this approval.
- 7: Applicant is required to pay all fees to LAFCO prior to LAFCO issuing a final approval to the City.

Option # 4:

Continue this hearing not to exceed 70 days from the date of this hearing.

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 City has 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	Applicant
	County Executive Officer	Douglas R. Newland, Auditor – Controller
	County Assessor	Bill Brunett, Public Works Director
	Raymond Loera, Sheriff	Brad Poiriez, APCD
	George Pacheco, Public Works	Imperial Irrigation District, General Manager
	Tony Rohoutas, Fire/OES	County Office of Education
	Mike Rood, County Counsel	City of Calexico
	Jim Minnick, Interim Planning Director/County	CX 1-13 file

ATTACHMENTS:

EXHIBIT A - Application
EXHIBIT B - Sphere of Influence Map
EXHIBIT C - Map