

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Commissioners

Steve Arreguin
Glen Jacobs
John Feriani
David Goldemberg
Kathleen Haff
Matt Hawkins
Mark Plummer

Alternates

Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

AGENDA

TUOLUMNE COUNTY LAFCO

November 13, 2023

BOARD OF SUPERVISORS CHAMBERS

2 SOUTH GREEN STREET, SONORA, CA, 4TH FLOOR

4:00 p.m.

You may submit written comments by U.S. Mail to 2 South Green Street, Sonora, CA 95370, or via email to cdd@tuolumnecounty.ca.gov for retention as part of the administrative record. Comments will not be read during the meeting.

COMMISSION BUSINESS:

- A. Salute the Flag
- B. Minutes of the September 11, 2023
- C. Reports

"Reports" are a brief oral report from a committee or commission member and/or County staff, and no committee or commission action will occur. This item is not intended to include in-depth presentations or reports, as those matters should be placed on an agenda for discussion.

PUBLIC COMMENT: 15 Minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING:

Consideration of adopting Resolution No. 303 to rescind Resolution No. 302 dissolving Jupiter Subdivision Unit 1 County Service Area (CSA) No. 4, Lake Don Pedro Units 4 and 5 CSA No. 8, Curtis Creek Ranch Unit 2 CSA No. 31, Sunny Hill Subdivision CSA No. 40, Buena Oaks Estates CSA No. 45, Mountain Ridge Estates CSA No. 46, Yosemite Estates CSA No. 50, Gina Avenue CSA No. 52, Vilas Lane CSA No. 55, and Granite Ridge Subdivision CSA No. 61 and their respective Spheres of Influence.

OLD BUSINESS:

None

NEW BUSINESS:

1. Review of the 2023 CALAFCo Conference.
2. Presentation on the Tuolumne County Housing Element Update.

ADJOURNMENT

Disclosure of Campaign Contributions – Government Code Section 84308 requires that campaign disclosure reports provide the public with the identity of contributors and the amounts they give, and the amount that officeholders, candidates, and committees spend. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an “entitlement for use” (such as an annexation or sphere amendment) if, within 12 months, the Commissioner has received \$250.00 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application (such as an attorney, engineer, or planning consultant) representing the applicant or interested party. The law also requires any applicant or participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding. The law also prohibits an applicant from making a contribution of \$250.00, or more to a LAFCO Commissioner while a proceeding is pending or for 3 months afterward.

Disclosure of Expenses Supporting and Opposing Proposals - If a person or group contributes or expends \$1,000.00 or more in support of, or in opposition to, a proposal before LAFCO, those contributions and expenditures must be disclosed. Pursuant to Section 56100.1 of the Government Code, disclosure shall be made to the Commission's executive officer.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28FR35.102-35.104 ADA Title 11).

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

October 3, 2023

TO: LAFCo Commissioners

FROM: Quincy Yaley, AICP, Executive Officer
Dave Ruby, AICP, Deputy Executive Officer

RE: Rescinding LAFCo Resolution 302 Regarding the Dissolution of 10 CSAs

Commissioners
Steve Arreguin
John Feriani
David Goldemberg
Glen Jacobs
Kathleen Haff
Matt Hawkins
Mark Plummer

Alternates
Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer
Quincy Yaley, AICP

EXECUTIVE OFFICER'S REPORT

PROPOSED PROJECT

Consideration of rescinding Resolution No. 302 dissolving Jupiter Subdivision Unit 1 County Service Area (CSA) No. 4, Lake Don Pedro Units 4 and 5 CSA No. 8, Curtis Creek Ranch Unit 2 CSA No. 31, Sunny Hill Subdivision CSA No. 40, Buena Oaks Estates CSA No. 45, Mountain Ridge Estates CSA No. 46, Yosemite Estates CSA No. 50, Gina Avenue CSA No. 52, Vilas Lane CSA No. 55, and Granite Ridge Subdivision CSA No. 61 and their respective Spheres of Influence.

BACKGROUND INFORMATION

1. On September 11, 2023, your Commission voted to dissolve ten County Service Areas (CSAs) that had been considered inactive for a number of years by adopting Resolution No. 302.
2. After the meeting, it was discovered that LAFCo staff had made an error by neglecting to contact the landowners affected by the project. LAFCo staff will complete the project in accordance with required notifications and, in the interim, ask that LAFCo Resolution No. 302 be rescinded. Staff is appreciative of the understanding from the public and the Commission in our efforts to rectify our mistake.

CSA INFORMATION

3. During the meeting, several questions were asked about the CSAs, including size, number of people, and funding levels. Below is a summary of this information. The cost to process a dissolution per the LAFCO fee schedule is **\$4,280 per CSA**. For this project, the funds noted below will be paid to LAFCo to process the dissolution applications. Any remaining funds will be transferred into the County general fund. This information is summarized below:

CSA Name	CSA #	Number of Parcels	Est. Current Fund Balance	# registered voters	CSA Population
Jupiter Subdivision Unit 1	4	25	\$9,383	1	18
Lake Don Pedro Units 4 and 5	8	20	\$5,613	1	2
Curtis Creek Ranch Unit 2	31	13	\$710	23	47
Sunny Hill Subdivision	40	11	\$191	12	10
Buena Oaks Estates	45	10	\$2,433	23	2
Mountain Ridge Estates	46	20	\$1,703	23	4
Yosemite Estates	50	15	\$2,979	0	0
Gina Avenue	52	23	\$1,581	27	39
Vilas Lane	55	3	\$1,352	3	9
Granite Ridge Subdivision	61	5	\$942	1	14

DISSOLUTION PROCESS

4. During the September 11, 2023 meeting, additional questions about the dissolution process were asked. A dissolution requires a minimum of one meeting and two public hearings. At the first meeting, LAFCo may adopt a resolution to initiate the dissolution. Notification of property owners and registered voters in the CSA and within 300 feet would follow. A second public hearing is then held to consider any valid protests. Depending on the protests submitted, LAFCo may order the dissolution. Below are the basic steps to a dissolution and LAFCo staff's proposed timeline for the above project:

Required Steps for Dissolution of CSA	Timing/Details
Step 1: LAFCo adopts a Resolution to state Intent to Dissolve a CSA	Resolution 277 approved in September 2013.
Step 2: Public Hearing to make a decision to dissolve the CSA. Notification of those in CSA plus those within 300 feet 21 days prior to the hearing.	This is the hearing that Staff is requesting to redo after rescinding the resolution approved in September.
Step 3: If Step 2 is approved, notices are then sent to the people in CSA plus 300 feet notifying them of protest process and protest hearing date, 21 days prior to the hearing date.	This will occur after a new resolution is passed.
Step 4: Hold a protest hearing/public hearing. Depending on the number of protests submitted, proceedings may terminate, go to an election, or remain the same as Step 2 above.	Hearing must be within 35 days of the meeting on Step 2 but can't be sooner than 21 days. Hearing will be held between Day 22 and Day 35.

PROTEST DETAILS AND INFORMATION

5. Because there are fewer than 300 property owners and fewer than 300 registered voters within the boundaries of each of the subject CSAs, an election is required if landowners with 25 percent or more of the total assessed value of the land within the CSA or 25 percent of the registered voters residing within the CSA submit written protest before the close of the hearing pursuant to the laws. The notice will advise on the process to submit a protest.
6. LAFCo staff will certify each protest and, if valid, determine the percentage of the total assessed value of all of the property in a subject CSA to determine if there are sufficient protests to require an election.
7. Written protests submitted by the registered voters residing within the boundaries of the subject CSA will be accepted until the close of the public hearing when LAFCo evaluates the dissolution proposal. If a protest is submitted during the hearing, LAFCo staff will again verify to ensure the protest is valid.
8. Under LAFCo law, the dissolution of a subject CSA shall be terminated without an election if landowners with 50 percent or more of the total assessed value of the land within the CSA boundary or 50 percent of the registered voters within the CSA boundary submit written protest before the close of the hearing. If such protests are not submitted, LAFCo shall order the dissolution.

CONCLUSION

9. In summary, LAFCo staff is requesting the previous resolution to ensure that the correct processing of the CSA dissolution is accomplished. Again, LAFCo staff is appreciative of the understanding from the public and the Commission in our efforts to rectify our mistake.

RECOMMENDATION

The Executive Officer recommends adopting a resolution to rescind LAFCo Resolution No. 302 dissolving County Service Area Nos. 4, 8, 31, 40, 45, 46, 50, 52, 55, and 61 and their Spheres of Influence.

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RESOLUTION NO. 303
OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA
TO RESCIND RESOLUTION NO. 302 TO DISSOLVE THE

JUPITER SUBDIVISION UNIT 1 COUNTY SERVICE AREA (CSA) NO. 4, LAKE DON PEDRO UNITS 4 AND
5 CSA NO. 8, CURTIS CREEK RANCH UNIT 2 CSA NO. 31, SUNNY HILL SUBDIVISION CSA NO. 40,
BUENA OAKS ESTATES CSA NO. 45, MOUNTAIN RIDGE ESTATES CSA NO. 46, YOSEMITE ESTATES
CSA NO. 50, GINA AVENUE CSA NO. 52, VILAS LANE CSA NO. 55 AND GRANITE RIDGE SUBDIVISION
CSA NO. 61, AND ASSOCIATED SPHERES OF INFLUENCE

WHEREAS, pursuant to Government Code Section 56375, LAFCo has the authority to dissolve these county service areas and their associated spheres of influence (SOI), finding that these county service areas are non-functioning; and

WHEREAS, on September 11, 2023, LAFCo, during a regularly scheduled meeting, approved Resolution No. 302 to dissolve the above CSAs and SOIs; and

WHEREAS, subsequent to that meeting, LAFCo staff determined that adequate notice of the project pursuant to the Cortese Knox Herzberger Act had not been completed; and

WHEREAS, due to the failure to notice the required property owners, registered voters, and landowners within 300 feet of each CSA, the approved Resolution No. 302 should be rescinded and reconsidered at a future public hearing after the correct noticing for the project is completed.

NOW, THEREFORE, BE IT RESOLVED that the Tuolumne County Local Agency Formation Commission does hereby rescind Resolution No. 302.

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission at the County of Tuolumne, State of California, at a regular meeting held on November 13, 2023, by the following vote:

AYES: Commissioners _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

ATTEST: _____
Quincy Yaley, AICP,
Executive Officer

Steve Arreguin,
Chairperson

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

November 3, 2023

TO: Tuolumne County LAFCO Commissioners

FROM: Quincy Yaley, Executive Officer

RE: Housing Element Update Public Draft Available for Review

REQUESTED ACTION

Informational item, no action required.

Commissioners

Steve Arreguin
John Feriani
David Goldemberg
Glen Jacobs
Kathleen Haff
Matt Hawkins
Mark Plummer

Alternates

Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

The Housing Element of the Tuolumne County General Plan is required by state law to be updated consistent with the schedule and priorities determined by the California Department of Housing and Community Development (HCD). The update is an opportunity to assess the unincorporated County's housing needs, constraints, and opportunities, and the document is comprised of the following sections:

- Housing needs, including existing, projected, and special needs
- Site inventory and analysis to ensure adequate sites for housing need
- Constraints to housing development including potential and actual governmental constraints
- Policies and programs, including timeframes for implementation, intended to reduce or remove constraints to housing development
- Affirmatively Furthering Fair Housing analysis and programs.

The Housing Element Update is required to ensure sufficient sites and opportunities to meet our Regional Housing Needs Allocation (RHNA). HCD determines the RHNA for each jurisdiction based on various factors, including demographic trends, regional housing needs, and existing housing stock. For the current Housing Element Update, Tuolumne County is assigned a RHNA of two housing units. The drafting process has included a review of the previous Housing Element, data analysis, community engagement, and drafting goals, policies, programs to address not only the County's RHNA, but the County's responsibilities to affirmatively further fair housing.

The public draft is currently available for review and comment. It can be found on the County's website, Housing Element Update page. The public comment period will be open until the close of business on December 15, 2023. State law requires a public comment period of at least 30 days before the draft is submitted to HCD for their review.

Please notify your respective agencies of the availability of the document, in the event that your district wishes to make a formal comment. Commissioners may also review the public draft and provide comments by email within the public comment period.

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Unapproved

TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION

MINUTES

September 11, 2023

Commissioners

Steve Arreguin
Glen Jacobs
John Feriani
David Goldemberg
Kathleen Haff
Matt Hawkins
Mark Plummer

Alternates

Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

PRESENT: Chair Steve Arreguin, Supervisor Kathleen Haff, and Commissioners John Feriani, Matt Hawkins, Suzanne Cruz and Glen Jacobs

ABSENT: Supervisor David Goldemberg

STAFF: Quincy Yaley, LAFCO Executive Officer and Dave Ruby, Planning Manager

CALL TO ORDER: The meeting began at 4:00 p.m.

Chair Arreguin opened the Local Agency Formation Commission meeting.

COMMISSION BUSINESS:

A. Chair Arreguin led the Commission and audience in the Pledge of Allegiance.

B. Minutes of July 10, 2023, meeting.

Commissioner Feriani raised concerns regarding the accuracy of statements made by Aaron Rasmussen at the July 10, 2023, meeting.

Commissioner Jacobs noted a few typos within the minutes of the July 10, 2023, LAFCO minutes.

It was moved by Commissioner Feriani and seconded by Supervisor Haff to amend the motion to approve the minutes of July 10, 2023, with minor corrections.

Chair Arreguin called for the vote:

Chair Arreguin: Abstaining
Suzanne Cruz: Aye
Supervisor Haff: Aye
Supervisor Goldemberg: Absent
Commissioner Feriani: Aye
Commissioner Hawkins: Aye
Commissioner Jacobs: Aye

Motion carried: 5 – 0 – 1 with Chair Arreguin abstaining and Supervisor Goldemberg being absent.

- C.** Reports : “Reports” are a brief oral report from a committee or commission member and/or County staff, and no committee or commission action will occur. This item is not intended to include in depth presentations or reports, as those matters should be placed on an agenda for discussion.

Quincy Yaley, LAFCo Executive Officer, reported that three LAFCo Commissioners registered for the LAFCo Conference the week of October 17th, 2023. She relayed that the Community Development Departments Fiscal Technician, Karen Gray, got a Government discount on the hotel room rate and suggested the Commissioners reach out to Ms. Gray to book their rooms.

Commissioners Hawkins and Feriani asked for a discussion on independent LAFCo be added to the next LAFCo agenda.

Ms. Yaley indicated that she would not have a full analysis done by the next meeting; however, she would put a discussion item on the next agenda.

PUBLIC COMMENT

Chair Arreguin opened the public comment period and asked for those who would like to address the Commission on any item that was not on the agenda.

A member of the public spoke on the Tuolumne Parks and Recreation District consolidation. She expressed frustration with the false information that has been put out into the public regarding the consolidation. She stated that the petition that was signed and submitted to the County should be considered fraudulent, as many of those signatures were either deceased or of young children’s names. She noted that there is a lot of funding that is landlocked by the Sanity District that can only be used by the community if a CSD is formed. She requested the Board help move this consolidation process along.

Chair Arreguin asked if there was anyone else who wished to speak. Seeing no one, he closed the public comment period.

PUBLIC HEARING:

Consideration of adopting a Resolution to dissolve Jupiter Subdivision Unit 1 County Service Area (CSA) No. 4, Lake Don Pedro Units 4 and 5 CSA No. 8, Curtis Creek Ranch Unit 2 CSA No. 31, Sunny Hill Subdivision CSA No. 40, Bueno Oaks Estates CSA No. 45, Mountain Ridge Estates CSA No. 46, Yosemite Estates CSA No. 50, Gina Avenue CSA No. 52, Vilas Lane CSA No. 55, and Granite Ridge Subdivision CSA No. 61 and their respective Spheres of Influence.

Dave Ruby, Planning Manager, gave a presentation on the proposed dissolutions. He explained that the proposed dissolutions of the CSAs would reduce the number of districts in the County to govern, which would result in financial savings for LAFCo, the County Auditor and the Special Districts Administration Division of the Community Development Department.

The Commission asked how long the protest period is for the dissolution.

Mr. Ruby responded the protest period is 30 days after LAFCo adopts a Resolution to dissolve the CSAs. He reported that if a member of the public submits a protest, then the dissolution would come back before the Commission.

Commissioner Hawkins asked how much funding was remaining from the CSAs in total.

Mr. Ruby indicated that the funds are meager, so much so, that Public Works has not been able to expend any of the money on maintenance for the CSAs since 2013.

Supervisor Haff asked for clarification on how the public is notified regarding the dissolutions. She asked if the County has received any protests for the CSAs being dissolved.

Mr. Ruby indicated that public notifications went out to stakeholders in each of the CSAs back in 2013. He noted that during that time, the public indicated with internal voting within their CSAs, that they did not want to continue with the CSAs. He explained that at the time, the county did not finalize the dissolutions of the CSAs. He reported that the item before the Commission today was noticed in the Union Democrat and the County website.

Supervisor Haff asked how the dissolutions shows up on title reports once finalized.

Mr. Ruby reported that once dissolved, staff will send a Notice of Completion to the Assessor's Office, and they would remove the tax assessments from the individual Assessor's Parcel Numbers.

Commissioner Jacob asked what the process would be if they wanted to resurrect the CSA.

Mr. Ruby responded that they would have to start at square one. He noted that they could choose to form a HOA, which is not required to go through the LAFCo process.

Chair Arreguin opened the public comment period and asked if there was anyone who wished to speak on the item.

Gretchen Sullivan asked for clarification on road maintenance if the CSAs are dissolved.

Mr. Ruby noted that the road maintenance would fall to the landowners adjacent to the road, according to the street and highway code.

Pete Kampa, General Manager of Groveland Community Services District, spoke on the dissolutions of the CSAs. He discussed the issues that could arise with the lack of road maintenance within these dissolved CSAs and how that could affect emergency services in those areas. He raised concerns that the public might not understand the outcome of dissolving the CSAs. He suggested that LAFCo re-notice the property owners in the CSAs prior to the dissolutions being finalized.

Supervisor Half and Commissioner Hawkins suggested re-noticing the public with regards to dissolving the districts. They noted that the public might not understand that the road maintenance within the districts, once dissolved, will not be taken care of by the County.

A discussion ensued on the processes of the dissolutions, noting there were no protests done at the time the dissolutions were first brought to LAFCo.

Chair Arreguin closed the public comment period and referred the item back to the Commission.

It was moved by Commissioner Feriani and seconded by Commissioner Hawkins to adopt Resolution 302 to dissolve CSAs 4, 8, 31, 40, 45, 46, 50, 52, 55, and 61 and their spheres of influence based on Findings A through C.

Chair Arreguin called for the vote.

Chair Arreguin: Aye

Supervisor Haff: Aye

Supervisor Goldemberg: Absent

Commissioner Feriani: Aye

Commissioner Hawkins: Aye

Commissioner Jacobs: Aye

Alternate Cruz: Abstaining

Motion Carried: 5 – 0 – 0 with Supervisor Goldemberg being absent and Alternate Cruz abstaining.

NEW BUISNESS:

None

OLD BUSINESS

ADJOURNMENT

Chair Arreguin adjourned the meeting.

Respectfully submitted,

Quincy Yaley
Executive Officer

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