

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Commissioners

Steve Arreguin
Glen Jacobs
John Feriani
David Goldemberg
Ryan Campbell
Matt Hawkins
Mark Plummer

Alternates

Adam Artzer
Kathleen Haff
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

AGENDA

TUOLUMNE COUNTY LAFCO

February 12, 2024

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 January 8, 2024, Meeting (To be included at a later date)
- 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:

OLD BUSINESS:

Consideration of modifying the 2023-24 LAFCO Workplan.

NEW BUSINESS:

1. Out of Agency Service Agreement for the Groveland Community Services District and the Airport Estates project – informational item only.
2. Consideration of providing direction on creating a subcommittee to oversee the reorganization of LAFCO staffing, and other ad hoc committees.

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

February 5, 2024

TO: LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

REQUESTED ACTION

No action needed. Informational item only on the Groveland Community Services District Out of Agency Service Agreement.

EXECUTIVE OFFICER'S REPORT

In 2020, the Groveland Community Services District was granted the authority to serve the newly created Airport Estates Subdivision, which is located within the District's Sphere of Influence but outside the District's boundary. This request was granted with the condition that an annexation for the subdivision be applied for and completed within one year of the approval.

GCSD submitted an annexation application in 2020 but did not submit the required fee. In 2022, the Executive Officer sent notice to GCSD that the approval had expired. In 2023, the Executive Officer made the Commission aware of this situation during a staff report at the November 13 2022 meeting, and let the Commission know that the item would be brought before them at a future meeting.

Out of Agency Service Agreements are governed by Government Code Section 56133 as well as Policy 13 in Tuolumne County LAFCO's local policies. Tuolumne County LAFCO allows the Executive Officer to grant out of boundary service agreements or bring them before the Commission.

Two building permits have been applied for single family homes within the Airport Estates project without associated well permits. The Tuolumne County Building and Safety Division has been notified to not issue any permits for structures showing improvements that intend to connect to GCSD, as there is currently no valid out of agency agreement or annexation in place.

In order to complete the annexation process, a new application and fee will need to be submitted to LAFCO, along with a tax revenue sharing agreement with Tuolumne County. Once the application is complete, along with an approved tax revenue sharing agreement, the item will come before the LAFCO Commission for annexation. Once the annexation is completed, building permits for structures that will connect to GCSD public water can be issued. Alternatively, GCSD can request a second Out of Agency Service Agreement, which would be brought to your Commission for a review and decision.

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Suzanne Cruz

Executive Officer
Quincy Yaley, AICP



County of Tuolumne Local Agency Formation Commission

Quincy Yaley, AICP
Executive Officer

January 31, 2022

A.N. Francisco Building
48 Yaney Avenue
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
www.tuolumnecounty.ca.gov

Pete Kampa, General Manager
Groveland Community Services District
18966 Ferretti Road
Groveland, CA 95321

RE: LAF20-004 Out of Boundary Service Agreement to Airport Estates - Expiration

Dear Mr. Kampa,

On October 8, 2020 LAFCO approved an out of boundary service agreement for Airport Estates (approval letter attached). The approval was conditioned on an application for annexation being approved within one year of the service agreement authorization.

Because more than a year has transpired since the October 8, 2020 approval, the Out of Boundary Service Agreement is no longer valid and has expired. Prior to the expansion of service to this project, an annexation will be required to be approved by LAFCO.

If you have any further questions, please don't hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "Quincy Yaley".

Quincy Yaley, AICP
Executive Officer

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County of Tuolumne Local Agency Formation Commission

Quincy Yaley, AICP
Executive Officer

October 8, 2020

A.N. Francisco Building
48 Yaney Avenue
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
www.tuolumnecounty.ca.gov

Pete Kampa, General Manager
Groveland Community Services District
18966 Ferretti Road
Groveland, CA 95321

RE: LAFCO LAF20-004 Out of Boundary Service Agreement to Airport Estates

Dear Mr. Kampa,

Pursuant to Government Code Section 56133 and Tuolumne County LAFCO's adopted policies and procedures for the review of out of boundary service extensions, the Groveland Community Services District's (GCSD) request to provide water and sewer service Lots 1 through 8 to the property known as Airport Estates, has been approved. This decision was based on the following:

- The subject property is located outside the district boundaries but within the district Sphere of Influence.
- It is anticipated that this property will be annexed into the GCSD service district.
- GCSD has provided a signed copy of the service agreement between the district and the landowner that includes language stating that the landowner consents to further annexation and agrees not to protest the annexation.
- The GCSD service agreement includes appropriate provisions to ensure that the existing customers within the district boundaries are not negatively impacted by the subject request.

LAFCO's approval of the GCSD request is subject to the following conditions:

- Any future development and/or expansion of service will not be permitted without approval from LAFCO.
- GCSD and the property owner shall complete an annexation of the property within one year of the approval of this agreement.

Please contact me with any questions.

Respectfully,

Quincy Yaley
Executive Officer

OUT OF BOUNDARY SERVICE AGREEMENT

Between Groveland Community Services District and Airport Estates, LLC

Location:

The project site is located south of Pine Mountain Lake Airport, approximately 280 feet east of the intersection of Elderberry Way and Ferretti Road, within the community of Groveland. A portion of Section 13, Township 1 South, Range 16 East, Mount Diablo Baseline and Meridian Assessor's Parcel Numbers 93-290-01 through 93-290-08. Supervisorial District 4.

Project Description:

Out of Boundary Service Agreement to provide water and sewer service to Lots 1 through 8 of Tentative Subdivision Map TSM17-002 for Airport Estates, which are zoned to RE-1:MX:AIR (Residential Estate, one acre minimum:Mobilehome Exclusion Combining District:Airport Combining) under Title 17 of the Tuolumne County Ordinance Code

Environmental Evaluation:

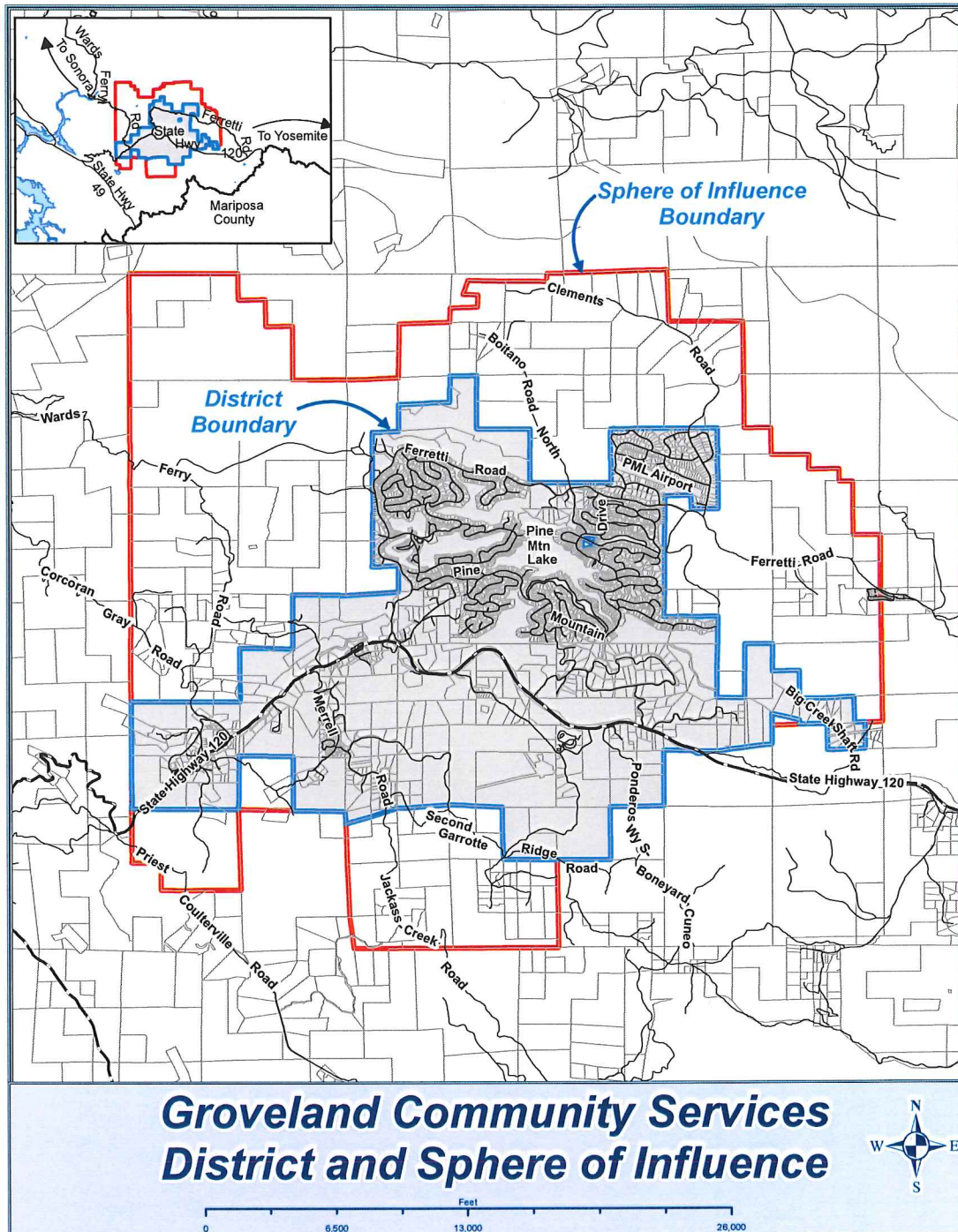
The proposal is statutorily exempt from CEQA pursuant to CEQA Guidelines § 15061(b)(3).

Conditions of Approval:

1. Any expansion of service beyond serving 9 parcels will not be permitted without approval from Tuolumne County LAFCO.
2. Groveland Community Service District and the property owner shall apply for and complete an annexation of the project site into the district boundaries, including any conditions of approval of the annexation, within one year of the approval of this agreement.

Approved: Quincy Yaley
Quincy Yaley, Executive Officer

Date: 10/8/2020





G.C.S.D. Services - 209 / 962-7161
Fax - 209 / 962-4943
Fire Department - 209 / 962-7891
www.gcsd.org

water • fire protection • parks • wastewater collection & treatment

18966 Ferretti Road P.O. Box 350 Groveland, CA 95321-0350

July 14, 2020

Mid Valley Aviation, LLC
2721 Dow Street
Turlock, CA 95382

Re: Conditional Will Serve Letter for the Airport Estates Development within the
Groveland Community Services District.

To: Mid Valley Aviation, LLC

This letter shall serve as confirmation the Groveland Community Services District ("District") currently has the water and sewer capacity available for the Airport Estates Development project as approved by Tuolumne County and proposed for annexation to the Groveland CSD.

Provision of the above referenced services is conditioned up compliance with 1) the Advance Funding (Deposit), Annexation and Plan Check/Inspection Agreements by And Between The Groveland Community Services District and Mid Valley Aviation, LLC dated July 14, 2020, 2) submission of an application(s) for service process of the District on or before December 31, 2023, 3) payment of all connection fees and capacity charges in effect at the time of receipt of the application, and all District ordinances and regulations. Application(s) received after December 31, 2023 shall be subject to available capacity.

Sincerely,

A handwritten signature in blue ink that reads "Peter Kampa".

Peter J. Kampa
General Manager
Groveland Community Services District

RECEIVED

SEP 02 2020

Community Development
Department

**TUOLUMNE COUNTY LOCAL AGENCY FORMATION
COMMISSION**

APPLICATION FOR REVIEW

(Attach additional sheets as necessary)

Date Submitted to LAFCO: September 1, 2020

Applicant/Chief Petitioner Name: Groveland Community Services District

Mailing Address: P.O Box 350, Groveland, CA 95321

Telephone Number: 209-962-7161

Email: pkampa@gcsd.org

Location of proposed action and street address if know: Ferretti Rd., Groveland, CA 95321

Assessor's parcel number(s): Lot 1: 093-290-001, Lot 2: 093-290-002, Lot 3: 093-290-003,

Lot 4: 093-290-004, Lot 5: 093-290-005, Lot 6: 093-290-006, Lot 7: 093-290-007,

Lot 8: 093-290-008

General Plan designation(s) for the subject area: LDR

Zoning for the subject area: RE1 MX AIR

Acreage of affected area: 21 Acres

This proposal is being presented by:

☐ Property Owner Request

☒ Resolution of Governing Body

☐ Petition of Landowners in Voting District

☐ Petition of Residents in Voting District

☐ Other (specify) _____

1. Purpose of proposal. Why is proposal being filed? List all actions for LAFCO approval (annexation, detachment, formation, etc.), and all local agencies involved.

Approval of out-of-area water service to the above parcels in advance of and until completion of Annexation of Lots 1 through 8 of the Airport Estates subdivision into GCSD service area.

2. Explain how the proposal provides more logical boundaries and/or improves the provision of services.

Groundwater is limited in the region and to ensure adequate water to the properties for sanitation, drinking and fire protection, water service provided by GCSD is preferred.

3. Identify other actions that are part of the overall project such as a development permit.

Tentative Sub parcel map and Rezone have been completed and approved by the CRA and DRE. An annexation application has been submitted and will be considered following completion of an updated Municipal Service Review for GCSD.

4. Describe any conditions that should be included in a LAFCO resolution of approval, including any special terms and conditions related to your proposal.

The approval of out of area service should be conditioned on satisfaction of the Plan Check and Inspection Agreement between the GCSD and Airport Estates, and the future completion of annexation of the parcels to the GCSD.

5. Existing land uses within the proposal area (number of dwellings and type, commercial and industrial buildings).

RE1 MX AIR – 2 Dwellings per parcel

6. Proposed land uses that would result from this proposal.

Residential use

7. How does this proposal conform to or differ from the General Plan and Zoning?

Conforms to general plan, and matches surrounding neighborhood

8. Is a development project currently under consideration or has such already been approved by affected agencies? Please list affected agency(ies) and status of any entitlements (zone change, land division, etc.).

[Click or tap here to enter text.](#)

Agency	Status
CRA	APPROVED
DRE	APPROVED
GCSD	APPROVED

9. Describe area surrounding proposal. Describe land uses-vacant, residential, commercial, agricultural, etc. and general plan designations and zoning).

North: Pine Mountain Lake E45 AIRPORT	South: Ferretti Rd
East: RE1 MX Air – residential	West: Commercial c1 and RE1 residential

10. List all urban services which are currently provided to the subject area and the agencies providing these services.

Service	Current Agency
Police	Tuolumne County Sheriff
Fire	Groveland Community Services District Fire Department
Water	Groveland Community Services District
Sewer	Septic and Groveland Community Services District
Street Lighting	None
Road Maintenance	Tuolumne County
Parks and Recreation	Groveland Community Services District

11. Is the proposal area within the sphere of influence of the annexing agency? If not, include a proposal to revise the sphere of influence.

Yes

12. Physical Features of proposal area and area surrounding the proposal. General description of topography, natural boundaries and barriers (rivers, mountains, freeways), drainage basins, rivers, flood control channels, major roads or highway access to the area.

The property is located on the South Side of Pine Mountain Lake Airport in Groveland CA. Ferretti Road runs to the south of the property. The topography consists of natural grass lands that runs from the Airport south to Ferretti Road. There is a GCSD water main running along the North boundary of the property. No rivers, wetlands, natural drainage to Ferretti Road.

13. Does the affected property currently produce a commercial agricultural commodity?

No.

14. Is the affected property Prime Agricultural Land as defined in Government Code 56064 or designated as open space?

No.

15. Is any portion of the proposal area within a Land Conservation (Williamson) Act Contract? If so, please provide contract information.

No.

16. Why are these boundaries being used? Ideally, what other properties should be included in the proposal?

None at this time.

17. Describe the level and range of services to be extended to the affected territory by the proposal.

Public water, sewer, fire and park/recreation services.

18. When can the services be provided?

Upon approval of out-of-area service and installation of water service meter boxes.

19. Indicate any improvements or upgrading of structures, roads, sewer or water facilities or other conditions that will be required as a result of the proposal.

Installation of water service lines connected to adjacent GCSD water main, future extension of sewer to Lot 1.

20. Describe how those services will be financed, including both capital improvements and ongoing maintenance and operation.

Mid Valley Aviation.LLC will finance the construction, which will be passed in ownership to GCSD to maintain in future, pursuant to the Plan Check and Inspection Agreement with GCSD.

21. Attach a statement from the annexing agency describing its ability to provide the services, including enough funding/revenues (per Government Code 56668j).

See attached "Will Serve Letter."

22. Provide a list of current and any known future land owners or lessees (for any boundary change related to land use development projects).

None.

Certification

I hereby petition Tuolumne County Local Agency Formation Commission to consider and approve this proposal. I certify that I am the duly appointed representative of the entity submitting this application. I further certify that the information provided in this application and attachments is true and accurate to the best of my knowledge. I agree to pay any fees and expenses required to process my application, including LAFCO fees and the cost to prepare any necessary environmental documentation and planning studies.



SIGNATURE OF APPLICANT

Peter J. Kampa

Name and Title of Applicant

In addition to the Applicant, I (We) request that LAFCO furnish copies of Staff Reports or Notices of Hearings to the following (not to exceed two names):

NAME

EMAIL ADDRESS

PHONE

Rex Pemberton

rex@evolveaerosports.com

Jason Johanson

johanson.construction@yahoo.com

STAFF USE

Fees Collected:

LAFCO Processing -----\$ _____

State Board of Equalization
Filing -----\$ _____

Tuolumne County
Community Development Depart
Receipt

From: GROVELAND COMMUNITY SERVICES DISTRICT
Agent: PETER KAMPA

Receipt #: 2020002572
Receipt Date: 09/02/2020

Address:

Comment: CHECK # 19344
APPLICATION LAFCO

Description	Base Fee	Qty	Amt Per Qty	Pay Mth	Line Total
LAFCO - County Permit # GCSD	1,673.00			CHK	\$1,673.00

Total for: 2020002572

\$1,673.00

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

February 5, 2024

TO: LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

REQUESTED ACTION

Provide direction on creating a Brown Act committee to oversee the reorganization of LAFCO staffing, as well as providing direction on the creation of any other ad-hoc subcommittees.

EXECUTIVE OFFICER'S REPORT

LAFCO STAFFING SUBCOMMITTEE

LAFCO Commissioners, with a majority vote at the January 8, 2024 meeting, directed the Executive Officer to pursue eliminating the use of County staff and services that currently support LAFCO operations with the release of a Request for Proposals (RFP). A RFP was released on January 26, 2024 for Executive Officer and Legal services (<https://procurement.opengov.com/portal/tuolumnecountyca/projects/75301>). The RFP was released on the County's RFQ/RFP Bid page and was sent directly to nineteen firms/consultants. Responses are due on February 19, 2024 at 3 PM.

The Executive Officer is spending significant time allotted in the staffing budget towards this reorganization effort and has limited time to complete other items in the workplan, such as MSRs and policy updates. In response to additional concerns raised by Commissioners regarding staff capacity, the Executive Officer is recommending that the Commissioners take an active role in planning the reorganization of the staffing model that supports the Commission.

The Executive Officer is recommending that 2-3 Commissioners are selected to create a Brown Act committee to work on the staffing reorganization efforts, and include members from other special districts, the County, and the City of Sonora who are not LAFCO Commissioners, with a total committee membership of 5-7 individuals. Duties of the committee members would include reviewing and selecting a consultant (including how the consultant will be financed), identifying other costs that the Commission will need to pay in the absence of using County services (financial, technology, insurance, legal, office space, etc), and creating a new operating budget and staffing organizational model. It is recommended that the County Auditor/Controller and legal counsel be included in this committee to ensure the new organizational structure meets all legal requirements and is financially sound.

With the establishment of this committee, the Executive Officer can continue the day to day work needed to complete the other tasks in the workplan. The Executive Officer would also manage the consultants who are currently under contract to complete specific items in the workplan, such as the Municipal Service Reviews.

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All tasks related to moving from the use of County staff to a different staffing model would be completed by the committee. The Executive Officer would rely on this committee to identify meeting dates/locations and prepare agenda materials. County staff would support the committee by distributing/posting agendas, completing all required noticing for the meetings, and would attend the committee meetings to complete minutes, and be available to answer any questions the committee may have. This Committee would then have a standing item on the monthly LAFCO agenda to report out on the progress and seek direction from the other members.

It is recommended that the ultimate reorganization of the operation of LAFCO be reviewed by legal counsel as well as the County Auditor/Controller. Legal Counsel is currently provided by Tuolumne County Counsel, who has a contract with Michael G. Colantuono of Colantuono, Highsmith & Whatley, PC for additional support.

OTHER POTENTIAL SUBCOMMITTEES

Additionally, some Commissioners advocated for, prior to pursuing an alternative staffing structure, spending time setting operational goals for LAFCO in response to attending the annual conference. In the last several meetings, there has been general consensus that the Commissioners feel there is a need for LAFCO to engage in additional efforts to support local districts/agencies, and that these increases in efforts would result in increased costs. It was discussed that in order to know the correct level of staffing/resources needed for the commission, time should be spent identifying goals to ensure that any new staffing program can support the new objectives of LAFCO, both from a resource and financial perspective. This effort could be accomplished by an ad-hoc subcommittee that works to prepare materials/information for the larger Commission to review and take action on.

At the annual conference, commissioners and staff learned that other LAFCO entities have non-brown act committees that support the Executive Officer in operating their LAFCO. The Executive Officer has identified that these committees could be a very low cost way to improve transparency within Tuolumne County LAFCO. This could be an Executive Committee, comprised of the Chair, Vice Chair, and one other member, that would work with the Executive Officer on policy changes and other commission business in advance of it being brought to the entire Commission. A second committee option is a Financial Committee, comprised of 2-3 members that would review the quarterly billing/invoices that the County sends to the Auditor/Controller. Being ad-hoc committees, they would not be subject to the Brown Act and would meet quarterly.

RECOMMENDATION

It is recommended that the Commission provide direction on creating a Brown Act committee to spearhead the reorganization of LAFCO as well as any other ad-hoc subcommittees.

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