

**2013
Commissioners**

Chair

Louis R. Calcagno
County Member

Vice Chair

Steve Snodgrass
Special District Member

Fernando Armenta
County Member, Alternate

Sherwood Darington
Public Member

Matt Gourley
Public Member, Alternate

Joe Gunter
Alternate, City Member

Maria Orozco
City Member

Warren E. Poitras
*Special District Member,
Alternate*

Ralph Rubio
City Member

Simón Salinas
County Member

Graig R. Stephens
Special District Member

Staff

Kate McKenna, AICP
Executive Officer

132 W. Gabilan Street, #102
Salinas, CA 93901

P. O. Box 1369
Salinas, CA 93902

Voice: 831-754-5838
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www.monterey.lafco.ca.gov

AGENDA

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

**Monday, October 28, 2013
4:00 p.m.**

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal Street, First Floor
Salinas, California**

The Local Agency Formation Commission welcomes you to its meetings. If you want to submit documents at this meeting, please bring 15 copies for distribution. The meeting will be broadcast live on Comcast Cable TV Channel 28. TV rebroadcasts are shown every Monday at 4:00 p.m. Agendas and reports are available on our website at least 72 hours before each meeting.

1. ROLL CALL

2. CALL TO ORDER

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENTS

Anyone may address the Commission briefly concerning items not already on the agenda. Please fill out a Speaker Request Form available on the rostrum.

5. CONSENT CALENDAR

ACTION

- a. Approve the Draft Minutes of August 26, 2013.
- b. Accept the Warrant Registers for August and September 2013.
- c. Accept the List of Anticipated Future Agenda Items.
- d. Receive Report Regarding Activities of the California Association of Local Agency Formation Commissions.

6. PUBLIC HEARINGS

- a. Consider the **“Highlands Point Sanitary Association Annexation”** **ACTION**
Involving Expansion of the Carmel Area Wastewater District Sphere of Influence and Annexation to the District of Ten Single-Family Residential Parcels: APNs 241-182-004/005 (to be Merged), -012, 015, -016,-018,-020,-023,-024,-025, and -026; The Parcels are located West of the Highlands Inn and State Route 1, Approximately Five Miles South of Carmel-by-the-Sea. The Parcels Contain Nine Existing Residences and One New Residence Under Construction. The Purpose of the Proposal is to Allow These Parcels to Connect to the District’s Wastewater System. (LAFCO File 13-04) (*Continued from August 26, 2013 Meeting*)
- Recommended Action:** Continue this Agenda Item to the December 2, 2013 Regular Commission Meeting.

- b. Consider the **“Rubenstein/Rotunda Drive Annexation”** Involving **ACTION**
Annexation to the Carmel Area Wastewater District of Four Parcels Developed With Three Existing Single-Family Residences. The Parcels are Within the District’s Existing Sphere of Influence and are Located on Rotunda Drive in Carmel Valley, Approximately One Half Mile from Highway 1. The Purpose of the Proposal is to Allow These Properties to Connect to the District’s Wastewater System. Assessor’s Parcel Numbers: 015-043-007 and -031 (Rubenstein), -018 (Doolittle), and -029 (Struve). (LAFCO File No. 13-06).
- Recommended Actions:**
1. Adopt a Resolution Approving the Subject Annexation to the Carmel Area Wastewater District; and
 2. Waive the Conducting Authority (“Protest”) Proceedings.

7. NEW BUSINESS

- a. Consider a Comment Letter for a Draft Environmental Impact Report **ACTION**
for the Proposed **“Paraiso Springs Resort”** Project (County of Monterey Resource Management Agency).
- Recommended Action:** Authorize a Comment Letter for the Subject Draft Environmental Impact Report.

8. ANNOUNCEMENTS

INFORMATION

The Commission and Executive Officer may provide Oral Reports on their Activities.

a. Commissioners

b. Executive Officer

(1) Shared Services and Joint Powers Authorities – Monterey Peninsula Presentation Series.

9. ADJOURNMENT TO NEXT MEETING

Regular LAFCO Meeting – Monday, December 2, 2013 at 4:00 p.m.

Alternative Formats: If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the federal rules and regulations adopted in implementation thereof.

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***Draft* MINUTES**

**LOCAL AGENCY FORMATION COMMISSION OF MONTEREY
COUNTY**

Adopted _____

**Monday, August 26, 2013
4:00 p.m.**

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal Street, First Floor
Salinas, California**

CALL TO ORDER

The Local Agency Formation Commission was called to order by Chair Calcagno at 4:08 p.m. in the Monterey County Board of Supervisors Chambers.

ROLL CALL

Members Present

Commissioner Calcagno (Chair)
Commissioner Snodgrass (Vice Chair)
Commissioner Darington
Commissioner Gourley
Commissioner Gunter
Commissioner Poitras
Commissioner Rubio
Commissioner Salinas
Commissioner Stephens

Members Absent

Commissioner Orozco (Excused Absence)

Members not Present (Presence Not Required)

Commissioner Armenta

STAFF PRESENT

Kate McKenna, AICP, Executive Officer
Leslie J. Girard, LAFCO General Counsel
Gail Lawrence, LAFCO Clerk to the Commission
Darren McBain, LAFCO Senior Analyst
Mari Rodin, LAFCO Associate Analyst

PLEDGE OF ALLEGIANCE

Commissioner Chair Calcagno asked Commissioner Salinas to lead the Pledge of Allegiance.

7.b PUBLIC HEARING

***Chair Calcagno requested Item 7.b “Highlands Point Sanitary Association Annexation” be taken Out of Order on the Agenda for Discussion and Action by the Commission.**

Several affected property owners submitted letters and spoke to the Commission, requesting that this item be continued to a future Commission Meeting to allow time for additional review by all parties.

Commission Action

Upon motion by Commissioner Gunter, seconded by Commissioner Rubio, the Commission unanimously approved continuing Agenda Action Item **7.b “Highlands Point Sanitary Association Annexation”** to the October 28, 2013 Regular Commission Meeting. (LAFCO File No. 13-03).

4. PUBLIC COMMENTS

There were no Public Comments on items not on the Agenda.

5. SPECIAL BUSINESS

a. Introduction of LAFCO Staff.

Executive Officer McKenna introduced two new LAFCO employees: Darren McBain, Senior Analyst and Mari Rodin, Associate Analyst. This item was for information only.

b. Consider a Resolution to Commemorate the 50th Anniversary of the Knox-Nisbet Act of 1963 and the Creation of the Local Agency Formation Commission.

Commission Action

Upon motion by Commissioner Salinas, seconded by Commissioner Snodgrass, the Commission unanimously adopted LAFCO Resolution 13-14 Commemorating the 50th Anniversary of the Knox-Nisbet Act of 1963 and the Creation of the Local Agency Formation Commission of Monterey County.

6. CONSENT CALENDAR

There were no Public Comments for the Consent Calendar.

- a. Adopt the Draft Minutes of the June 24, 2013 Regular LAFCO Meeting.

Commission Action

Upon motion by Commissioner Snodgrass, seconded by Commissioner Stephens, the draft minutes of the June 24, 2013 Regular LAFCO Meeting were unanimously adopted.

- b. Approve the Warrant Registers for June and July 2013.

Commission Action

Upon motion by Commissioner Stephens, seconded by Commissioner Snodgrass, the Warrant Registers for June and July 2013 were unanimously approved.

- c. Accept the List of Anticipated Future Agenda Items.

Commission Action

Upon motion by Commissioner Snodgrass, seconded by Commissioner Stephens, the List of Anticipated Future Agenda Items was unanimously approved.

- d. Receive Status Report Regarding Activities of the California Association of Local Agency Formation Commissions.

Commission Action

Upon motion by Commissioner Salinas, seconded by Commissioner Snodgrass, the Status Report regarding Activities of the California Association of Local Agency Formation Commissions was received.

7. PUBLIC HEARINGS

- a. Consider the “**Yanks Air Museum Reorganization**” Involving an Update to the Sphere of Influence of the City of Greenfield , the Annexation of Approximately 134.67 Acres

to the City , and the Detachment of the Affected Area from the Resource Conservation District of the County of Monterey. The Action would Allow the Proposed Complex to be Developed Within the City of Greenfield. The Reorganization will Affect All, or Portions of, APNs 111-012-017, -018, -019, and -020, which are located East of Highway 101 and North of an Eastward Extension of Thorne Road. (LAFCO File No. 13-03).

Executive Officer, Kate Mckenna provided an oral report.

Public Comments

Several individuals provided comments.

Commission Action

Following discussion and upon motion by Commissioner Salinas, seconded by Commissioner Gunter, the Commission unanimously adopted a Resolution approving the **“Yanks Air Museum Reorganization”** Involving an Update to the Sphere of Influence of the City of Greenfield, the Annexation of Approximately 134.67 Acres to the City, and the Detachment of the Affected Area from the Resource Conservation District of the County of Monterey Allowing the Proposed Complex to be Developed Within the City of Greenfield; said Reorganization will Affect All or Portions of APNs 111-012-017 -018, -019, and -020, which are Located East of Highway 101 and North of an Eastward Extension of Thorne Road (LAFCO File No. 13-03).

- b. Consider the **“Highlands Point Sanitary Association Annexation”** Involving Expansion of the Carmel Area Wastewater District Sphere of Influence and Annexation to the District of Ten Single-Family Residential Parcels: APNs 241-182-004/005 (to be merged),-012, 015, -016, -018, -020, -023, 024, -025, and -026. The Parcels are Located West of the Highlands Inn and State Route 1, Approximately Five Miles South of Carmel-by-the-Sea. The Parcels Contain Nine Existing Residences and One New Residence Under Construction. The Purpose of the Proposal is to Allow These Parcels to Connect to the District’s Wastewater System. (LAFCO FILE NO 13-04)

(***Note:** *This Agenda Item (7.b) “Highlands Point Sanitary Association Annexation” was taken out of order by the Chair at the beginning of the meeting with Commission Action to continue this Agenda item to the October 28, 2013 LAFCO Regular Commission meeting*). (LAFCO File No. 13-04).

8. NEW BUSINESS

- a. Receive Presentation and Consider a Comment Letter for the Notice of Preparation of an Environmental Impact Report for the 2014 Metropolitan Transportation Plan/Sustainable Communities Strategy (Association of Monterey Bay Area Governments).

Executive Officer McKenna provided an oral report. Heather Abramson, AICP, Principal Planner, Association of Monterey Bay Area Governments, provided a power point presentation.

Public Comments

Several individuals provided comments to the Commission.

The Commissioners discussed the information and made changes to the letter.

Commissioner Action

Upon motion by Commissioner Salinas, seconded by Commissioner Darington, the Commission unanimously authorized the Comment Letter of July 24, 2013 from the Local Agency Formation Commission of Monterey County to the Association of Monterey Bay Area Governments (AMBAG) for the Notice of Preparation of an Environmental Impact Report for the forthcoming 2014 Metropolitan Transportation Plan/Sustainable Community Strategy with the proviso that on Page 3 – Item 3, the language beginning *“Specifically, the representatives...”* through the underlined language: *“in which future development takes place wholly with the cities’ adopted Spheres of Influence”* be removed from the letter; and further, that on Page 5, second bullet point, the language stating: *“A Proposal must discuss its effect on maintaining the physical and economic integrity of agricultural lands”* be strengthened to include language to the effect that: *“goods, movement and efficient movement of commuter traffic”* be included.

9. ANNOUNCEMENTS

a. Commissioners

Commissioner Darington shared his presentation to the Farmland Preservation Conference on August 2, 2013, sponsored by the Napa County Farm Bureau in partnership with American Farmland Trust. Commissioner Darington thanked Executive Officer McKenna and LAFCO Staff for their assistance.

b. Executive Officer

Executive Officer McKenna did not present any announcements.

10. CLOSED SESSION

- a. Public Employee Annual Performance Evaluation pursuant to Government Code Section 54957: Position: LAFCO Executive Officer.

The Commission convened to Closed Session at 5:30 p.m. and reconvened the meeting at 5:36 pm. Legal Counsel reported that there was no reportable action taken in Closed Session.

11. ADJOURNMENT TO NEXT MEETING

Chair Calcagno adjourned the meeting at 5:38 pm. The next regular LAFCO meeting is scheduled for Monday, September 23, 2013 at 4:00 p.m.

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 Fax (831) 754-5831
www.monterey.lafco.ca.gov

KATE McKENNA, AICP
Executive Officer

DATE: October 28, 2013

TO: Chair and Members of the Formation Commission

FROM: Kate McKenna, AICP, Executive Officer

SUBJECT: **LAFCO WARRANT REGISTERS – August and September 2013**

SUMMARY OF RECOMMENDATION:

It is recommended that the Commission approve the warrant registers.

EXECUTIVE OFFICER’S REPORT:

Attached are lists of warrants written in August and September 2013.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

Attachment:
August and September 2013 Warrant Registers

LAFCO
 LOCAL AGENCY FORMATION COMMISSION
 OF MONTEREY COUNTY
 WARRANT REGISTER
 FOR AUGUST 2013

DATE	CK#	NAME	DESCRIPTION	CHECK AMOUNT	DEPOSIT AMOUNT	ACCOUNT BALANCE
Beginning Balance 8/1/13						\$ 94,316.50
08/01/2013	EFT	QuickBooks Payroll Service	For Payroll Period Ending 7/26/13 Paid 8/2/13	8,358.78		85,957.72
08/01/2013	EFT	QuickBooks Payroll Service	Thom McCue Accrued Leave Pay Out	14,962.45		70,995.27
08/02/2013	4366	Darren J McBain	For Payroll Period Ending 7/26/13 Paid 8/2/13	0.00		70,995.27
08/02/2013	4367	Gail M Lawrence	For Payroll Period Ending 7/26/13 Paid 8/2/13	0.00		70,995.27
08/02/2013	4368	Kathryn M. McKenna	For Payroll Period Ending 7/26/13 Paid 8/2/13	0.00		70,995.27
08/02/2013	4369	Thomas A. McCue	For Payroll Period Ending 7/26/13 Paid 8/2/13	0.00		70,995.27
08/02/2013	EFT	CalPERS 457 Program	CalPers 457 Deferred Compensation Plan	1,477.70		69,517.57
08/02/2013	EFT	CalPERS Retirement	CalPers Retirement	1,885.65		67,631.92
08/02/2013	4370	Thomas A. McCue	Accrued Leave Payout	0.00		67,631.92
08/02/2013	EFT	EDD	State Payroll Tax Deposit	759.51		66,872.41
08/02/2013	EFT	EFTPS	Federal Payroll Tax Deposit	2,106.50		64,765.91
08/02/2013	EFT	EDD	State Payroll Tax Deposit	3,441.85		61,324.06
08/02/2013	EFT	EFTPS	Federal Payroll Tax Deposit	9,581.46		51,742.60
08/02/2013	EFT	CalPERS Health	Aug 2013 Health Insurance EFT#1000327304	2,607.70		49,134.90
08/02/2013	4371	AT&T	Telephone Service from 6/12/13-7/11/13	145.74		48,989.16
08/02/2013	4372	Copymat	Outside Printing Customer#L01004	86.24		48,902.92
08/02/2013	4373	County of Monterey, Information Technology	VOID: Incorrect amount paid	0.00		48,902.92
08/02/2013	4374	Principal Life	August 2013 Benefits: LTD,ADD,STD,Life	412.87		48,490.05
08/02/2013	4375	SlingShot Connections	Temp Services: Jimenez, Alma for W/E 7/7, 7/14, 7/21	1,021.02		47,469.03
08/02/2013	4376	Sunrise Express	Courier express mail delivery of packets on 6/12/13 and 6/20/13	483.42		46,985.61
08/02/2013	4377	County of Monterey, Information Technology	Computer Support Services Through 6/28/13	4,106.00		42,879.61
08/15/2013	EFT	QuickBooks Payroll Service	For Payroll Period Ending 8/9/13 Paid 8/16/13	7,475.07		35,404.54
08/15/2013	EFT	County of Monterey	County Funds Transfer		150,000.00	185,404.54
08/16/2013	4379	Gail M Lawrence	For Payroll Period Ending 8/9/13 Paid 8/16/13	0.00		185,404.54
08/16/2013	4380	Kathryn M. McKenna	For Payroll Period Ending 8/9/13 Paid 8/16/13	0.00		185,404.54
08/16/2013	4378	Darren J McBain	For Payroll Period Ending 8/9/13 Paid 8/16/13	0.00		185,404.54
08/16/2013	EFT	CalPERS 457 Program	CalPers 457 Deferred Compensation Contribution	1,799.20		183,605.34
08/16/2013	EFT	CalPERS Retirement	CalPers Retirement Contribution	1,885.65		181,719.69
08/16/2013	EFT	EDD	State Payroll Tax Deposit	624.86		181,094.83
08/16/2013	EFT	EFTPS	Federal Payroll Tax Deposit	1,760.06		179,334.77
08/16/2013	4381	Golden State Planning and Env. Consulting	In house Professional Staffing 7/8/13-7/29/13	3,296.88		176,037.89
08/16/2013	4382	Hayashi & Wayland, LLP	Accounting Services #72520	3,000.00		173,037.89
08/16/2013	4383	SlingShot Connections	Temp Services: Jimenez, Alma for W/E 8/4/13	209.44		172,828.45
08/16/2013	4384	Staples Advantage	Office Supplies	531.99		172,296.46
08/16/2013	4385	The Salinas Californian	Legal Notices for Period 7/1/13-8/4/13	381.15		171,915.31
08/16/2013	4386	Tri-County Business Systems	Copy Machine Rental and Usage 7/11/13-8/10/13	286.14		171,629.17
08/16/2013	4387	Rabobank Visa Card	2013 CaLaco Annual Conference, Telephone Expense	1,238.85		170,390.32
08/16/2013	4388	Darren McBain	Reimbursement for Hotel for 2013 CaLafco Conference	329.66		170,060.66
08/16/2013	4389	Leslie Girard	Reimbursement for Hotel for 2013 CaLafco Conference	329.66		169,731.00
08/16/2013	4390	Mari Rodin	Reimbursement for Hotel, Meals, and Transition Training-July 2013	1,018.71		168,712.29
08/16/2013	4391	Mari Rodin	Reimbursement for Hotel for 2013 CaLafco Conference	168.43		168,543.86

**LAFCO
LOCAL AGENCY FORMATION COMMISSION
OF MONTEREY COUNTY
WARRANT REGISTER
FOR AUGUST 2013**

DATE	CK#	NAME	DESCRIPTION	CHECK AMOUNT	DEPOSIT AMOUNT	ACCOUNT BALANCE
08/22/2013	EFT	Rabobank Visa Card	2013 CaLafco Conference; Office Supplies; Telephone Expense	4,697.61		163,846.25
08/29/2013	EFT	QuickBooks Payroll Service	For Payroll Period Ending 8/23/13 Paid 8/30/13	10,339.57		153,506.68
08/29/2013	EFT	CalPERS Health	Sept. 2013 Health Insurance; Aug. 2013 Retroactive for Darren McBain	4,812.08		148,694.60
08/29/2013	DEP		Project Fees: Rubenstein Project		2,625.00	151,319.60
08/29/2013	DEP		CaLafco Conference Reimbursement		108.08	151,427.68
08/30/2013	4392	Darren J McBain	For Payroll Period Ending 8/23/13 Paid 8/30/13	0.00		151,427.68
08/30/2013	4395	Gail M Lawrence	For Payroll Period Ending 8/23/13 Paid 8/30/13	0.00		151,427.68
08/30/2013	4393	Kathryn M. McKenna	For Payroll Period Ending 8/23/13 Paid 8/30/13	0.00		151,427.68
08/30/2013	4394	Mari L Rodin	For Payroll Period Ending 8/23/13 Paid 8/30/13	0.00		151,427.68
08/30/2013	EFT	CalPERS Retirement	CalPers Retirement Contribution	2,224.98		149,202.70
08/30/2013	EFT	CalPERS 457 Program	CalPers 457 Deferred Compensation Contribution	2,446.76		146,755.94
08/30/2013	EFT	EDD	State Payroll Tax Deposit	885.29		145,870.65
08/30/2013	EFT	EFTPS	Federal Payroll Tax Deposit	2,546.42		143,324.23
08/30/2013	4396	Bruce Lindsey	September 2013 Monthly Rent	1,926.28		141,397.95
08/30/2013	4397	Alhambra	Water Dispenser Rental	34.69		141,363.26
08/30/2013	4398	AT&T	Telephone Service from 7/12/13-8/11/13	148.68		141,214.58
08/30/2013	4399	Gail Lawrence	Fed Ex Reimbursement	137.54		141,077.04
08/30/2013	4400	SlingShot Connections	Temp Services: Jimenez, Alma for W/E 8/11 and 8/18	314.16		140,762.88
08/30/2013	4401	Staples Advantage	Office Supplies	458.88		140,304.00
				<u>\$ 106,745.58</u>	<u>\$ 152,733.08</u>	
Ending Balance 8/31/13						<u><u>\$ 140,304.00</u></u>

**LAFCO
LOCAL AGENCY FORMATION COMMISSION
OF MONTEREY COUNTY
WARRANT REGISTER
FOR SEPTEMBER 2013**

DATE	CK#	NAME	DESCRIPTION	CHECK AMOUNT	DEPOSIT AMOUNT	ACCOUNT BALANCE
Beginning Balance 9/1/13						\$ 140,304.00
9/4/13	4402	Monterey Bay Systems	Photocopier Rental 8/8/13-11/7/13	947.10		139,356.90
9/12/13		QuickBooks Payroll Service	Created by Payroll Service on 09/11/2013	9,262.87		130,094.03
9/13/13	4403	Darren J McBain	For Payroll Period Ending 9/6/13 Paid 9/13/13	0.00		130,094.03
9/13/13	4404	Gail M Lawrence	For Payroll Period Ending 9/6/13 Paid 9/13/13	0.00		130,094.03
9/13/13	4405	Kathryn M. McKenna	For Payroll Period Ending 9/6/13 Paid 9/13/13	0.00		130,094.03
9/13/13	4406	Mari L Rodin	For Payroll Period Ending 9/6/13 Paid 9/13/13	0.00		130,094.03
9/13/13	4407	Copymat	Outside Printing Customer#L01004	93.96		130,000.07
9/13/13	4408	Hayashi & Wayland, LLP	Accounting Services #72520	3,000.00		127,000.07
9/13/13	4409	Pitney Bowes	Dual Tape Sheets	35.80		126,964.27
9/13/13	4410	Principal Life	September 2013 Benefits: LTD,ADD,STD,Life	412.87		126,551.40
9/13/13	4411	SDRMA	2012-2013 W/C Balance Due; Qtr 3 2013 W/C Premium	2,127.17		124,424.23
9/13/13	4412	SlingShot Connections	Temp Services: Jimenez, Alma for W/E 8/25 & 9/1	471.24		123,952.99
9/13/13	4413	Sunrise Express	Courier Express Board Packets	228.26		123,724.73
9/13/13	4414	The Monterey County Herald	Legal Notices for August 2013	264.54		123,460.19
9/13/13	4415	United Group Insurance Trust	September 2013 Dental \$440.11;Vision\$49.22	489.33		122,970.86
9/13/13	4416	Darren McBain	Mileage Reimbursement for August 2013	165.46		122,805.40
9/13/13	4417	Mari Rodin	Live Scan, Mileage, and Meal Reimbursement	374.31		122,431.09
9/13/13	4418	Graig R. Stephens	Refund on Overpayment of Personal Meal Reimbursement	1.59		122,429.50
9/13/13	EFT	CalPERS 457 Program	CalPers 457 Deferred Compensation Contribution	2,247.54		120,181.96
9/13/13	EFT	CalPERS Retirement	CalPers Retirement Contribution	2,224.98		117,956.98
9/13/13	EFT	EDD	State Payroll Tax Deposit	844.89		117,112.09
9/13/13	EFT	EFTPS	Federal Payroll Tax Deposit	2,463.70		114,648.39
9/26/13	EFT	QuickBooks Payroll Service	For Payroll Period Ending 9/20/13 paid 9/27/13	9,342.50		105,305.89
9/27/13	4419	Darren J McBain	For Payroll Period Ending 9/20/13 paid 9/27/13	0.00		105,305.89
9/27/13	4420	Gail M Lawrence	For Payroll Period Ending 9/20/13 paid 9/27/13	0.00		105,305.89
9/27/13	4421	Kathryn M. McKenna	For Payroll Period Ending 9/20/13 paid 9/27/13	0.00		105,305.89
9/27/13	4422	Mari L Rodin	For Payroll Period Ending 9/20/13 paid 9/27/13	0.00		105,305.89
9/27/13	4423	Bruce Lindsey	Oct 2013 Rent	1,926.28		103,379.61
9/27/13	4424	Alhambra	Water Dispenser Rental	16.62		103,362.99
9/27/13	4425	AT&T	Telephone Service from 8/12/13-9/11/13	149.39		103,213.60
9/27/13	4426	Copymat	Outside Printing Customer#L01004	175.53		103,038.07
9/27/13	4427	County of Monterey, Information Technology	Computer Support Services Through 7/26/13	575.67		102,462.40
9/27/13	4428	Magellan Behavioral Health	EAP Insurance Oct 2013-Dec 2013	80.40		102,382.00
9/27/13	4429	Pitney Bowes	Postage Machine Rental	158.77		102,223.23

**LAFCO
LOCAL AGENCY FORMATION COMMISSION
OF MONTEREY COUNTY
WARRANT REGISTER
FOR SEPTEMBER 2013**

DATE	CK#	NAME	DESCRIPTION	CHECK AMOUNT	DEPOSIT AMOUNT	ACCOUNT BALANCE
9/27/13	4430	Principal Life	October 2013 Benefits: LTD,ADD,STD,Life	579.67		101,643.56
9/27/13	4431	SlingShot Connections	Temp Services: Jimenez, Alma for W/E 9/15/13	209.44		101,434.12
9/27/13	4432	SlingShot Connections	Temp Services: Jimenez, Alma for W/E 9/8/13	157.08		101,277.04
9/27/13	4433	United Group Insurance Trust	October 2013 Dental \$440.11;Vision\$49.22	245.55		101,031.49
9/27/13	EFT	CalPERS 457 Program	457 Deferred Compensation Contribution	2,266.82		98,764.67
9/27/13	EFT	CalPERS Retirement	CalPers Retirement Contribution	2,224.98		96,539.69
9/27/13	EFT	EDD	State Payroll Tax Deposit	779.22		95,760.47
9/27/13	EFT	EFTPS	Federal Payroll Tax Deposit	2,267.34		93,493.13
9/30/13	EFT	Intuit	Re-order Checks	136.49		93,356.64
				\$ 46,947.36	\$ -	
Ending Balance 9/30/13						\$ 93,356.64

LOCAL AGENCY FORMATION COMMISSION

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KATE McKENNA, AICP
Executive Officer

DATE: October 28, 2013
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: ANTICIPATED FUTURE AGENDA ITEMS

SUMMARY OF RECOMMENDATION:

This report is for information only.

EXECUTIVE OFFICER'S REPORT:

Following is a partial list of items that the Commission may consider in coming months.

Anticipated Agenda Items Within Three Months –

1. **South Monterey County Fire Protection District** – Sphere of Influence Amendment and Annexation of 5,000+ acres in South County. (LAFCO Application No. 13-05 was filed on July 10, 2013. Incomplete status, pending the District-County approval of a property tax transfer agreement).
2. **Fiscal Year 2013-2013 Financial Audit Report** (December 2, 2013)

Anticipated Agenda Items Within Six Months -

1. **Pajaro/Sunny Mesa Community Services District and Pajaro County Sanitation District** – Consolidation of Districts. (Application is being prepared; not yet received).
2. **Pajaro/Sunny Mesa Community Services District** – Out-of-Area Service Extension for the former ALCO Water Systems. (Application is being prepared; not yet received).

Anticipated Future Agenda Items
October 28, 2013

3. **Pajaro/Sunny Mesa Community Services District** – Municipal Services Review (*Initiated by LAFCO*).
4. **Castroville Community Services District and Moss Landing County Sanitation District** – Consolidation of Districts (*Application is being prepared; not yet received*).
5. **Castroville Community Services District** – Municipal Service Review (*Initiated by LAFCO*).
6. **Marina Coast Water District** – Municipal Service Review (*Initiated by LAFCO*). *Administrative Draft has been prepared by LAFCO staff and is currently being reviewed with District. Coordinating steps are underway to resolve boundary/service issues with Seaside County Sanitation District, prior to scheduling of public hearings to adopt MSRs for MCWD and SCSD.*
7. **Seaside County Sanitation District** – Municipal Service Review (*Initiated by LAFCO*). *Administrative draft has been prepared by LAFCO staff and is currently being reviewed with District. In August 2013, the District retained planning and legal services to assist with this process. Coordinating steps are underway to resolve boundary/service issues with Marina Coast Water District, prior to scheduling of public hearings to adopt the MSRs for MCWD and SCSD.*
8. **Carmel Area Wastewater District** – Municipal Service Review and Sphere of Influence Update (*Initiated by LAFCO*).
9. **Monterey Regional Waste Management District** – Municipal Service Review and Sphere of Influence Update. (*Initiated by LAFCO*)
10. **Carmel Area Wastewater District** – Annexation of all or significant portions of the District's existing Sphere of Influence near the mouth of the Carmel Valley. (*Application is being prepared; not yet received*).
11. **City of Greenfield** – Potential Commercial/Industrial and Residential Annexation Proposals (Franscioni, Scheid, Rich, and Others). (*Applications are being prepared; not yet received*).

Anticipated Agenda Items Within Twelve Months -

1. **Carmel Area Wastewater District** – Sphere of Influence Amendment and Annexation of the September Ranch property in Carmel Valley.
2. **City of Gonzales** – Comprehensive Sphere of Influence Amendment.
3. **Marina Coast Water District** – Sphere of Influence Amendment and Annexation of Portions of the Former Fort Ord to Provide Water and Wastewater Services. (*Coordinating steps are underway to resolve boundary/service issues with Seaside County Sanitation District, prior to scheduling of public hearings to consider Sphere Updates and annexations for MCWD and SCSD*).
4. **Seaside County Sanitation District** – Sphere of Influence Amendment to Include Portions of the Former Fort Ord to Provide Wastewater Services. (*In August 2013, the District retained planning and legal services to assist in*

Anticipated Future Agenda Items
October 28, 2013

completing this process within 18 months. Coordinating steps are underway to resolve boundary/service issues with Marina Coast Water District, prior to scheduling of public hearings to consider Sphere updates and annexations for SCSD and MCWD).

5. **City of Seaside** – Sphere of Influence Amendment and Annexation of the Proposed Monterey Downs Project, Horse Park and Central Coast Veterans Cemetery.
6. **LAFCO's Human Resources Rules and Regulations** – Comprehensive Update (Initiated by LAFCO).

Anticipated Agenda Items With No Timeline Estimate -

1. **City of Marina** – Annexation of Portions of the former Fort Ord within the City's Sphere of Influence.
2. **City of Soledad** – Sphere of Influence Amendment and Annexation of Miravale IIB Subdivision, Los Coches Adobe, and Other Parcels.
3. **County Service Area 15** (Serra Village/Toro Park) – Possible reorganization of Government Structure and Services.
4. **Northern Salinas Valley Mosquito Abatement District** – Sphere of Influence Amendment and Annexation of the Chualar/Gonzales Area. May include a Municipal Service Review update, to be initiated by LAFCO.
5. Municipal Service Review and Sphere of Influence Update for **Salinas Valley Memorial Healthcare System** (Initiated by LAFCO).
6. **Soledad Community Health Care District** – Comprehensive Sphere of Influence Amendment and Annexation. May include a Municipal Service Review update.
7. **Mission Soledad Rural Fire Protection District** -- Sphere of Influence Amendment and Annexation to include build-out of the proposed Paraiso Springs Resort

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

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KATE McKENNA, AICP
Executive Officer

DATE: October 28, 2013
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: **CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSION
(CALAFCO)**

SUMMARY OF RECOMMENDATION:

This report is for information only; no action is required.

EXECUTIVE OFFICER'S REPORT:

Attached is a September 2013 Quarterly Report from CALAFCO, including a summary of Conference highlights. Among the highlights were Commissioner Salinas' Award for Courage and Innovation in Local Leadership, his participation in a session on Legislative Advocacy, and Commissioner Stephens' participation in a session on Health Care Districts.

Also included is a letter from the Ventura LAFCO, suggesting that CALAFCO organize educational and networking sessions at the Regional level.

Associate Analyst Mari Rodin has attended a CALAFCO class on Municipal Service Reviews (October) will attend a class on administrative procedures in November.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

Attachments: (1) September 2013 CALAFCO Quarterly Report

(2) Letter from Ventura LAFCO

News from the Board of Directors

CALAFCO QUARTERLY

September 2013



New Board of Directors Meet at Annual Conference

The CALAFCO Board of Directors met in Squaw Valley on Friday, August 30th. The Board welcomed new members James Curatalo (San Bernardino LAFCo), Dr. William Kirby (Placer LAFCo), and Dr. Roger Welt (Santa Barbara LAFCo). New officers were also elected:

- ❖ Chair – Mary Jane Griego (Yuba LAFCo)
- ❖ Vice Chair – John Leopold (Santa Cruz LAFCo)
- ❖ Secretary – Stephen Tomanelli (Riverside LAFCo)
- ❖ Treasurer – Gay Jones (Sacramento LAFCo)

On behalf of the entire Association, we also thank outgoing Board members Jerry Gladbach (Los Angeles LAFCo), Matthew Beekman (Stanislaus LAFCo) and Lou Cunningham (Ventura LAFCo) for their dedicated service to the CALAFCO Board.

The Board acknowledged and thanked outgoing Chair Ted Novelli for his strong leadership this past year. A portion of the meeting was spent reviewing the Association's annual IRS Form 990 filing. CALAFCO staff and CPA walked through the 28-page form. More than just financials, Form 990 requires an extensive array of policies and procedures be adopted by 501(c)(3) agencies such as CALAFCO. It was reported that we are in full compliance with all IRS requirements and the Board unanimously approved the filing. A copy of the Form 990 and other corporate documents is available on the web site under the resources tab.

CALAFCO Executive Officer Lou Ann Texeira announced the appointment new Executive Officer Marjorie Blom (Stanislaus LAFCo). The Board expressed its gratitude and appreciation to outgoing Executive Officer Lou Ann Texeira (Contra Costa LAFCo) for her two years of service as CALAFCO's EO, and two years as the Deputy Executive Officer. Lou Ann's leadership during the past four years strengthened CALAFCO and contributed greatly to the Association's success.

Also announced was the appointment of new CALAFCO Deputy Executive Officer David Church (San Luis Obispo LAFCo) to represent the Coastal Region. The Board welcomed David and expressed appreciation to existing CALAFCO Deputy Executive Officers Steve Lucas (Butte LAFCo) and Sam Martinez (San Bernardino LAFCo).

Annual Conference held in Squaw Valley

The CALAFCO Annual Conference was held August 28-30 at the Resort at Squaw Creek. 311 commissioners, staff, associate members and guests (including speakers) attended, and 48 of 57

member LAFCos were represented. Our thanks to our host LAFCos Placer, Nevada and El Dorado, Conference Committee Chair Josh Susman, Program Committee Chair Sam Martinez, and everyone who



worked tirelessly to make this conference a success. We also thank those who sponsored our conference.

We were pleased to welcome former Gold Medal Olympian Jonny Moseley as the special guest speaker at the Thursday night Awards Banquet.

CALAFCO congratulates the gold, silver, and bronze medal winners of the beer and wine competition, as well as the first place golf team.

CALAFCO also congratulates this year's Achievement awardees:

- ❖ Outstanding Commissioner – *Jerry Gladbach* (Los Angeles LAFCo)
- ❖ Outstanding LAFCo Clerk – *Kate Sibley* (Contra Costa LAFCo)
- ❖ Outstanding LAFCo Professional – *Lou Ann Texeira* (Contra Costa LAFCo)
- ❖ Distinguished Service – *Roseanne Chamberlain* (Amador LAFCo)
- ❖ Project of the Year – *Plan for Agricultural Preservation* (Stanislaus LAFCo)
- ❖ Government Leadership – *Orange County LAFCo Community Islands Taskforce* (Orange LAFCo)
- ❖ Most Effective Commission – *Stanislaus LAFCo*
- ❖ Outstanding CALAFCO Member – *Harry Ehrlich* (San Diego LAFCo)
- ❖ Legislator of the Year – *Senators Bill Emmerson and Richard Roth*
- ❖ Lifetime Achievement – *H. Peter Faye* (Yolo LAFCo); *Henry Pellissier* (Los Angeles LAFCo); *Carl Leverenz* (Butte LAFCo); *Susan Vicklund-Wilson* (Santa Clara LAFCo)
- ❖ Mike Gotch Courage & Innovation in Local Leadership – *Simón Salinas* (Monterey LAFCo)

Evaluation and financial summaries will be reported during the November Board meeting. All presentation materials will be available by the end of September on the website under the education tab.



CALAFCO U Courses

Performance Measures and MSR Strategies is scheduled for **October 10th** in Sacramento. AICP Credits available. Registration is available on the CALAFCO website.

November 14th in Sacramento is the date for the final CALAFCO session of 2013. This session is titled *Creating a Clerk's Manual: A Roadmap for Success*. Registration opening soon on the CALAFCO website.

Legislative Activities

The legislature has completed its work for this session and the Governor is now reviewing a host of bills. Updates are provided daily on the CALAFCO website.



VENTURA LOCAL AGENCY FORMATION COMMISSION

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October 14, 2013

Coastal Region Members of the Board of Directors
CALAFCO
1215 K Street, Suite 1650
Sacramento, CA 95814

Sent Via Electronic Mail

Subject: Regional Meeting of the Coastal LAFCos

Dear Ms. Inman, Mr. Leopold, Mr. McGill and Mr. Welt:

One of the items on the Ventura LAFCo meeting agenda last month was a discussion regarding the recent CALAFCO Conference and Peter Detwiler's paper titled "California Within Limits: Research Notes for a History of California's Local Boundary Laws". Those who attended the Conference shared their impressions and all agreed that it was informative and interesting. I therefore want to thank you and the other members of the CALAFCO Board of Directors for hosting such a valuable event.

As part of our discussion, it was suggested that CALAFCO could further increase value to its members by spearheading educational and networking forums at the regional level. The discussion ultimately led to a consensus to send this letter requesting your support for the establishment of a meeting of the Coastal Region LAFCos to share our collective knowledge and ideas regarding common challenges. As you no doubt agree, there are many examples of such challenges including limited water supplies, conversion of agricultural lands and lack of affordable housing.

If carefully planned, regional meetings also have the potential to provide benefits similar to the statewide CALAFCO conferences at a lower cost. By this we do not mean that regional meetings should replace the statewide conferences but merely to acknowledge that many LAFCos are facing significant budget reductions. For some LAFCos, a regional workshop may indeed be the only CALAFCO educational event that they can attend.

Our suggestion is for CALAFCO to host one pilot meeting located somewhere near the geographic center of the Coastal Region in an area with convenient airport access. If the level of interest in the pilot warrants, perhaps it could be continued on an annual basis. As part of our request, we would also like to see a dedicated source of funding for regional forums included the next CALAFCO budget.

Thank you for your consideration of this matter and we look forward to hearing from you through Kim Uhlich, Ventura LAFCo Executive Officer at (805) 654-2866 or kim.uhlich@ventura.org.

Sincerely,

Gail Pringle,
Chair

c: Commission Members, Ventura LAFCo
Pamela Miller, Executive Director, CALAFCO
LAFCo Executive Officers, Coastal Region

**AGENDA
ITEM
NO. 6a**

LAFCO of Monterey County

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KATE MCKENNA, AICP
Executive Officer

DATE: October 28, 2013
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: **"HIGHLANDS POINT SANITARY ASSOCIATION" ANNEXATION INVOLVING EXPANSION OF THE CARMEL AREA WASTEWATER DISTRICT SPHERE OF INFLUENCE AND ANNEXATION TO THE DISTRICT OF TEN SINGLE-FAMILY RESIDENTIAL PARCELS. (LAFCO FILE 13-04) (CONTINUED FROM AUGUST 26, 2013 MEETING)**

SUMMARY OF RECOMMENDATIONS:

It is recommended that the Commission continue this agenda item to its Monday, December 2, 2013 meeting.

EXECUTIVE OFFICER'S REPORT:

This item was originally noticed for the August 26 LAFCO meeting. Owners of several of the subject properties attended the August meeting and expressed concerns. The Commission continued the item to its October 28 meeting.

Since August, the primary applicant's representative has been communicating with property owners to finalize per-parcel association costs, timing, and logistics. However, the owners of one property included in the original proposal have concluded they do not wish to participate in the annexation. The Carmel Area Wastewater District Board will review the downsized proposal boundaries at its October 24 meeting. Accordingly, it is prudent to continue the proposal to the December 2 LAFCO meeting.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

cc: Drew Lander, Carmel Area Wastewater District
Property Owners

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KATE MCKENNA, AICP
Executive Officer

DATE: October 28, 2013
TO: Chair and Members of the Formation Commission
FROM: Kate McKenna, AICP, Executive Officer
SUBJECT: **“RUBENSTEIN/ROTUNDA DRIVE ANNEXATION” INVOLVING ANNEXATION TO THE CARMEL AREA WASTEWATER DISTRICT OF FOUR PARCELS DEVELOPED WITH THREE EXISTING SINGLE-FAMILY RESIDENCES. (LAFCO FILE NO. 13-06)**

SUMMARY OF RECOMMENDATIONS:

It is recommended that the Commission conduct a public hearing and adopt a resolution (Attachment 2) to:

1. Approve the proposed annexation to the Carmel Area Wastewater District, and
2. Waive Conducting Authority (“protest”) proceedings.

EXECUTIVE OFFICER’S REPORT:

Proposal

The purpose of the proposal is to allow four parcels, located in the Rancho Rio Vista neighborhood near the mouth of the Carmel Valley, to connect to the Carmel Area Wastewater District. The parcels are developed with three existing single-family homes. The fourth parcel is a separate legal lot but is developed only with an accessory structure (detached garage) pertaining to the residence of Mr. Rubenstein, the primary applicant. Upon connection to the District’s wastewater lines, the properties would discontinue use of their existing septic systems.

The area is within the District’s existing Sphere of Influence, as shown in Attachment 1, Assessor’s Parcel Numbers 015-043-007 and -031 (Rubenstein), -018 (Doolittle), and -029 (Struve). On March 28, 2013 the Carmel Area Wastewater District Board of Directors adopted Resolution 2013-10 in support of this annexation. A copy of the resolution is on file in the LAFCO office.

All three landowners support the annexation and have signed a standard consent form for the inclusion of their properties in this proposal. Unlike some multi-parcel wastewater district

annexations, this proposal does not involve an association with shared costs. It is staff's understanding that Mr. Rubenstein has offered to pay for the design, permitting, and construction of the required public sewer main extension through his property. Each of the three property owners would be responsible for constructing their own sewer laterals—either simultaneously or separately, at the time of their choosing—and decommissioning their existing septic systems¹. The individual owners would also be responsible for one-time District connection fees (typically due and payable at the time of annexation) and annual sewer service charges. Nathaniel Milam, Mr. Rubenstein's civil engineer and representative, has provided correspondence documenting that each of the three property owners is in agreement with these arrangements.

Policy Consistency

The proposed annexation is consistent with all of the requirements of State law and local LAFCO policies. No unresolved issues exist with this proposal. The draft resolution (Attachment 2) contains consistency analysis. It makes determinations about 15 factors to be considered in the review of a proposal for a change of organization or reorganization.

Public Agency Referrals, Agency Comments and Public Notice

LAFCO referred the annexation proposal to public agencies for review and comment on August 27. LAFCO posted notice of the hearing on its website, at the County Government Center, at the LAFCO office and by newspaper publication in the Herald. LAFCO sent this notice to affected agencies and all known interested agencies, organizations and individuals. LAFCO also distributed the agenda for today's Commission meeting to all interested parties. Copies of this report were distributed to the Carmel Area Wastewater District and agencies and individuals who submitted comments on the proposal. LAFCO, therefore, has fully complied with all requirements and procedures for public agency referrals and public noticing.

LAFCO received one comment on the proposal. The Monterey County Environmental Health Bureau (EHB) stated, in part: "EHB highly recommends that LAFCO approve the application for annexation of these properties. Due to the soils and geology in this particular area, septic systems over time tend to fail and need to be repaired. The more residential properties in this area that can be annexed into the Carmel Area Wastewater District, the better for the health of the County."

On October 8, a "Zero Property Tax Transfer" was approved by the Monterey County Board of Supervisors for this annexation. A copy of the County resolution is on file in the LAFCO office.

California Environmental Quality Act Compliance (CEQA)

Because this proposal was privately initiated by petition of the property owners, as opposed to initiation by the District or another public agency, LAFCO of Monterey County is the CEQA Lead Agency for this proposal. The proposal qualifies for an exemption from CEQA under Section

¹ Staff understands that all three owners intend to connect in the near future. However, there would be no County requirement to do so unless their septic system were to fail, or if they were to enlarge their house beyond the septic system's capacity.

15319, "Annexations of Existing Facilities," of the CEQA Guidelines. Attachment 2 contains the draft LAFCO resolution, in which staff recommends that the Commission find this proposal exempt based on its independent judgment of the application materials and the facts presented.

Reconsideration

Pursuant to Government Code 56895, any person or affected agency may file a written request to amend, or reconsider, the Commission's action. The person or agency shall file the written request with the Executive Officer by November 27, which is 30 days from the resolution's adoption.

Waiver of Conducting Authority ("Protest") Proceedings

Based on changes to Government Code section 56663 effective January 1, 2013, the Commission may waive Conducting Authority proceedings (also referred to as a protest hearing) unless written opposition is received prior to the close of the hearing. LAFCO staff has provided written notice of intent to waive the protest hearing process to all three property owners. The draft resolution includes language formalizing the waiver of a protest hearing. If written opposition is received from a property owner, then State law would require a protest hearing for this proposal. The protest hearing cannot be held prior to the expiration of the 30-day reconsideration period referenced above. If a protest hearing were to be needed, it would be scheduled for the December 2, 2013 Commission meeting.

Conclusion

The proposed annexation of three residences to the District is an incremental step toward reducing the number of septic systems in an area where residential septic system maintenance is an identified public health issue. The proposal is consistent with the factors to be considered in the review of an annexation. These factors, and an analysis of the proposal's consistency with them, are included in the attached draft resolution. Staff recommends adoption of the attached resolution to approve the proposed annexation.

Alternative Actions

In lieu of the recommended action, the Commission may act to deny the annexation or modify, delete, or add any appropriate conditions of approval for the proposal. Major changes to the resolution would require a continuation of the agenda item, with direction to the Executive Officer to prepare a new draft resolution based on the Commission's determinations.

Respectfully Submitted,

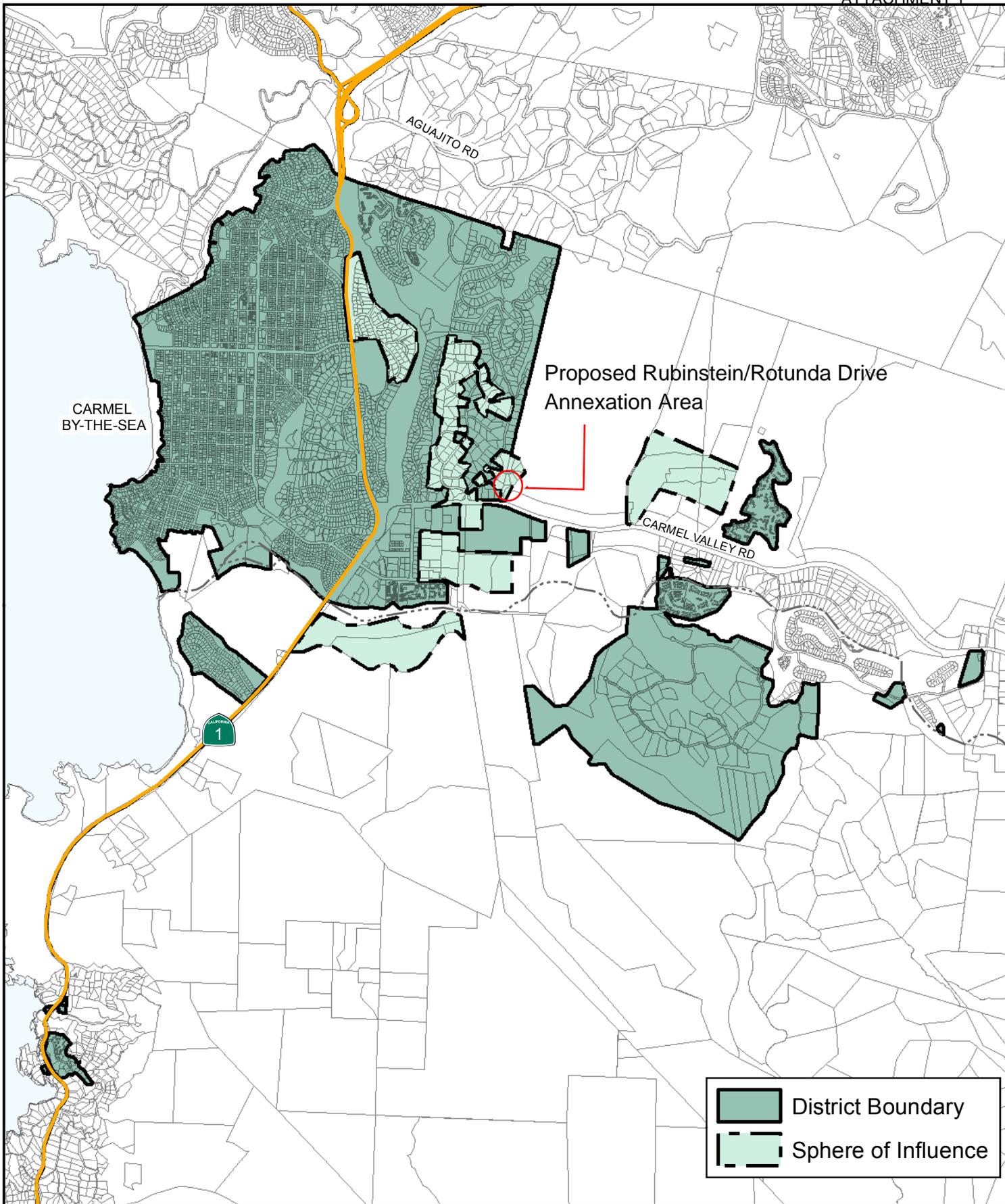


Kate McKenna, AICP
Executive Officer

Attachments:

1. Location Map
2. Draft Resolution, with map and geographic description

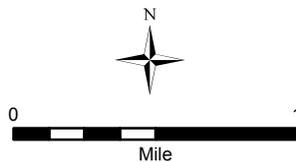
cc: Drew Lander, Carmel Area Wastewater District
Roger Van Horn, County of Monterey Environmental Health Bureau
Nathaniel Milam, Whitson Engineers
Herbert Rubinstein
William Doolittle
Clark Struve



LAFCO of Monterey County
 LOCAL AGENCY FORMATION COMMISSION

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WASTEWATER DISTRICTS

**CARMEL AREA
 WASTEWATER DISTRICT**

Last LAFCO-Approved Change: 3/25/2013
 Map Prepared: 6/3/2013

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 13-__

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF MONTEREY COUNTY MAKING DETERMINATIONS APPROVING
THE “RUBENSTEIN/ROTUNDA DRIVE ANNEXATION” TO THE
CARMEL AREA WASTEWATER DISTRICT (LAFCO FILE NO. 13-06)**

WHEREAS, an application for the proposed annexation to the Carmel Area Wastewater District of four parcels developed with three existing single-family residences located on Rotunda Drive in Carmel Valley, approximately one half mile from Highway 1 (Assessor’s Parcel Numbers 015-043-007 and -031 [Rubenstein], -018 [Doolittle], and -029 [Struve]), was filed and accepted for filing by the Executive Officer of this Local Agency Formation Commission, pursuant to Title 6, Division 1, commencing with Section 56000, et seq. of the Government Code; and

WHEREAS, the property is located within the existing Sphere of Influence of the Carmel Area Wastewater District; and

WHEREAS, a Certificate of Filing was issued for the application on October 9, 2013; and

WHEREAS, the stated purpose for this annexation is to provide sewer service to three existing single-family residences that are being used consistent with the County of Monterey General Plan and Zoning Ordinance; and

WHEREAS, the Carmel Area Wastewater District supports the proposed annexation; and

WHEREAS, the affected territory is “uninhabited” (i.e., includes fewer than 12 residents) per Government Code section 56046, and the landowners have consented to the proposed annexation and a waiver of protest proceedings and said waiver is on file in LAFCO File No. 13-06 and is incorporated herein by reference; and

WHEREAS, the Executive Officer, pursuant to Government Code section 56658, set October 28, 2013 as the hearing date on this proposal and gave the required notice of hearing; and

WHEREAS, the public hearing by the Commission was held upon the date and at the time and place specified in the notice of hearing and in any order or orders continuing such hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy, and

WHEREAS, this Commission heard from interested parties, considered the proposal and the report of the Executive Officer and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code section 56668.

NOW, THEREFORE, the Local Agency Formation Commission of Monterey County does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. This proposal is categorically exempt from review under the California Environmental Quality Act under Section 15319: Annexations of Existing Facilities.

Section 3. The Commission has considered all of the factors set forth in Government Code section 56668 in its review of the annexation proposal as follows:

- a. *Population and 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 (Government Code §56668(a).)*

Six persons live in the proposed annexation area, which is approximately 4.6 acres in size and is used for three existing single-family homes, consistent with the County General Plan and zoning. Growth in the unincorporated Carmel Valley is limited by environmental and policy constraints.

- b. *The 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 ... annexation ... and of the alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. (Government Code §56668(b).)*

While the existing home currently uses a septic system, the continued use of on-site septic systems in this area is discouraged by the Monterey County Environmental Health Bureau. The parcel is planned to be connected to an existing adjacent CAWD wastewater line. The treatment facility serves approximately 6,000 parcels in the greater Carmel area. Adequate capacity exists for this new service.

- c. *The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county. (Government Code §56668(c).)*

The proposed annexation and connection to the District wastewater trunk line will have no effect on adjacent properties, or on mutual social and economic interests, or on the local governmental structure of the County.

- d. *The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. (Government Code §56668(d).)*

The annexation is consistent with all adopted Commission policies on providing planned, orderly, efficient patterns of urban development. As stated in the application, the annexation of the property to the Carmel Area Wastewater District will facilitate the improvement of the provision of wastewater collection, treatment, and disposal services and the abandonment of an existing septic system.

Section 56377 pertains to development being directed away from open-space and agricultural land, unless to do so would not promote the planned, orderly, efficient development of an area. The land proposed for annexation is neither designated by the County for an open-space/agricultural use nor is it in any form of agricultural production.

- e. *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined in Section 56106. (Government Code §56668(e).)*

The proposal will have no impact on maintaining the physical and economic integrity of agricultural lands. The parcel is not designated in the County General Plan for an agricultural use.

- 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 corridors of unincorporated territory, and other similar matters affecting the proposed boundaries. (Government Code §56668(f).)*

The planned annexation is for three existing single-family residences. The boundaries are definite and certain and consistent with assessment lines and ownership.

- g. *A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans. (Government Code §56668(g).)*

The proposed annexation to the Carmel Area Wastewater District has no impact on the regional transportation plan. The proposed annexation is consistent with the applicable County general plan and zoning ordinance. The annexation will not change area development patterns.

- h. *The sphere of influence of any local agency, which may be applicable to the proposal being reviewed. (Government Code §56668(h).)*

The proposed annexation area is located within the Sphere of Influence of the Carmel Area Wastewater District and is not within the Sphere of any other agency providing these services.

- i. *The comments of any affected local agency or other public agency. (Government Code §56668(i).)*

Comments supporting the proposal were received from the Monterey County Environmental Health Bureau. No other comments were received. No local agency contacted through the LAFCO referral process submitted comments critical of the proposal, nor did any agency suggest changes in the proposal or conditions to its approval.

- 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. (Government Code §56668(j).)*

The Carmel Valley Municipal Services Review has not identified any shortfalls in the District's services or finances. The Review states that the peak flow of the Carmel Area Wastewater District "is equivalent to about 65% of the permitted capacity." Currently, District records show that the average collection volume has decreased to approximately 50% of permitted capacity, or 1.5 million gallons per day (MGD). The annexation would constitute a nominal increase in the District's estimated capacity. The landowners will be required to pay all applicable hookup fees, sewer user fees, and construction costs.

- k. *Timely availability of water supplies adequate for projected needs as specified in Section 65352.5. (Government Code §56668(k).)*

The annexation will have no impact on the timely availability of water supplies.

- 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. (Government Code §56668(l).)*

The annexation will have no impact on housing needs.

- m. *Any information or comments from the landowner or owners, voters, or residents of the affected territory. (Government Code § 56668(m).)*

The landowners, who are owner-occupants of the parcels proposed for annexation, support the project and have provided written consent, which has been provided to LAFCO and is incorporated herein by reference.

- n. *Any information relating to existing land use designations. (Government Code §56668(n).)*

The parcels proposed for annexation are designated "Low Density Residential" in Monterey County's Carmel Area Land Use Plan.

- 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. (Government Code §56668(o).)*

The annexation is of three residential lots to the Wastewater District. Other parcels within the District's Sphere of Influence also have the right to submit a proposal to LAFCO for annexation.

Section 4. *Apportionment of property tax revenue. (Revenue and Taxation Code §99.01)*

A "Zero Property Tax Transfer" was approved by the Monterey County Board of Supervisors on October 8, 2013. A copy of this resolution is on file in the LAFCO office.

Section 5. The boundaries of the annexation area is hereby approved as described in Exhibit "A" attached hereto and made a part hereof. Said territory is assigned the following distinctive short form designation: **"Rubenstein/Rotunda Drive Annexation to the Carmel Area Wastewater District."**

Section 6. The annexation areas will not be taxed for existing bonded indebtedness or contractual obligations of the Carmel Area Wastewater District.

Section 7. The applicants agree as a condition of the approval of this application to defend at their sole expense any action brought against LAFCO, the Commission and its staff, because of the approval of this application. The applicants will reimburse LAFCO for any court costs and attorney's fees which may be required by a court to pay as a result of such action. LAFCO may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicants of their obligations under this condition. The obligation on the part of the applicants to indemnify LAFCO is effective upon the adoption of this resolution and does not require any further action.

Section 8. The Commission approval of the annexation is conditioned upon:

- a. Review and preclearance of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act;
- b. Completion of the reconsideration process described in Government Code section 56895;
- c. Preparation of a map and geographic description acceptable to the State Board of Equalization, and
- d. Payment of all fees incurred in the processing of the application, through the issuance of the Certificate of Completion, consistent with the LAFCO fee schedule, including the fee required by the State Board of Equalization.

Section 9. LAFCO will issue the Certificate of Completion upon satisfaction of all conditions of approval. If a Certificate of Completion for a change of organization or reorganization has not been filed within one year after the Commission approves a proposal for that proceeding, the proceeding shall be deemed abandoned unless prior to the expiration of that year the Commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the Commission for completion of necessary prerequisite actions by any party. If a proceeding has not been completed because of the order or decree of a court of competent jurisdiction temporarily enjoining or restraining the proceedings, this shall not be deemed a failure of completion and the one-year period shall be tolled for the time that order or decree is in effect. [Government Code section 57001]

Section 10. The Local Agency Formation Commission authorizes waiver of its conducting authority as the subject property is uninhabited and the landowners have consented in writing.

Section 11. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner and as provided in Section 56882 of the Government Code.

UPON MOTION OF Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this ____ day of _____ 2013 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Louis R. Calcagno, Chair
Local Agency Formation Commission of Monterey County

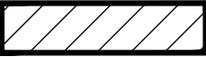
ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

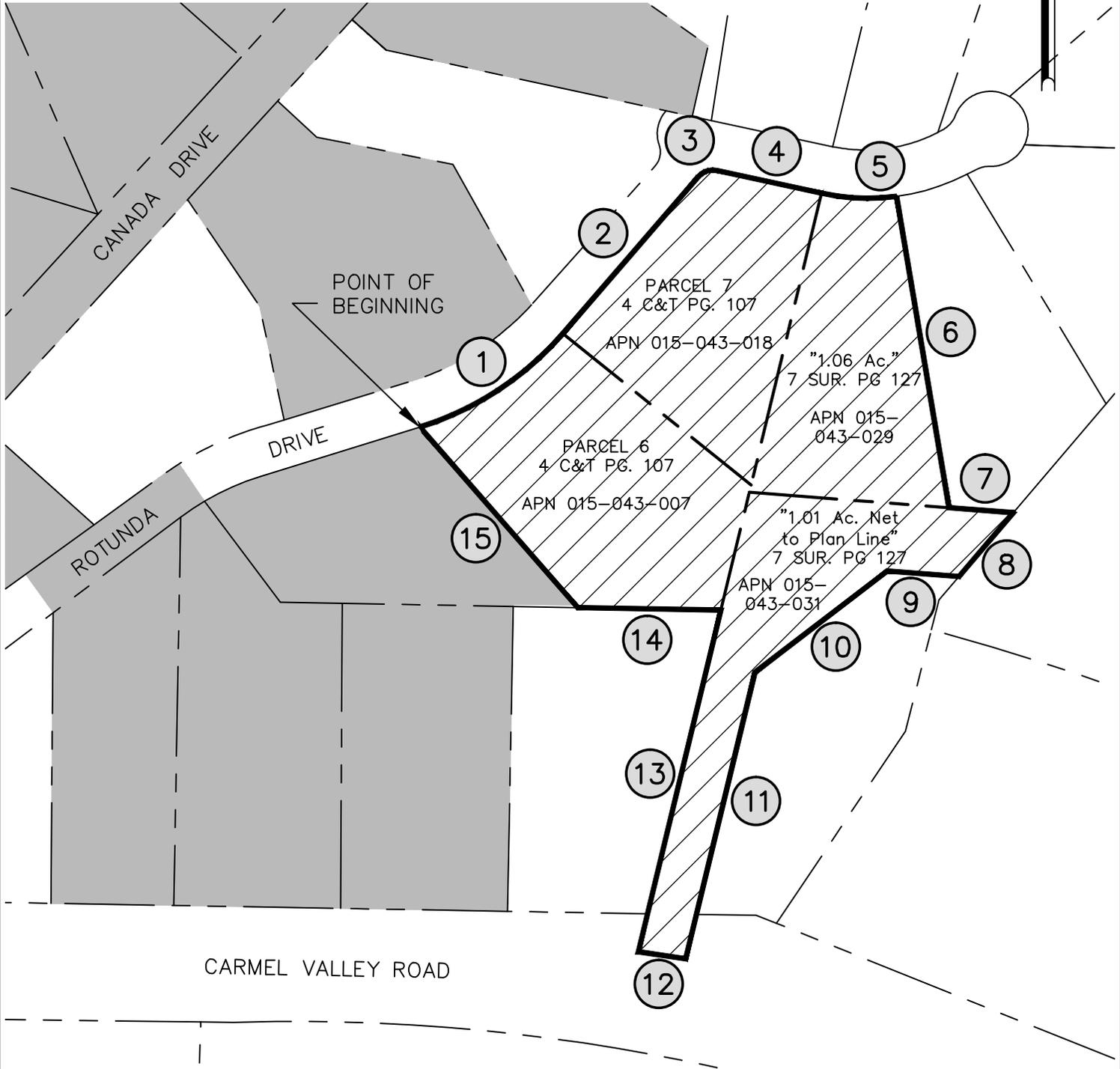
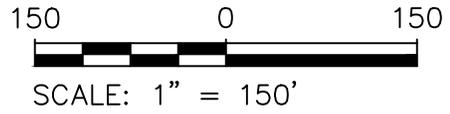
Witness my hand this ____ day of _____ 2013

By: _____
Kate McKenna, AICP, Executive Officer

Attachment: Exhibit A (map and geographic description)

LEGEND

-  PRESENT DISTRICT SERVICE AREA
-  PROPOSED ANNEXATION BOUNDARIES
-  PROPOSED ANNEXATION AREA
-  COURSE NUMBER; SEE GEOGRAPHIC DESCRIPTION



ANNEXATION EXHIBIT

MONTEREY COUNTY CALIFORNIA
RUBENSTEIN, STRUVE, & DOOLITTLE PROPERTIES

DRAWING PATH: T:\Monterey Projects\2814\WE-TOPO BASE.dwg

DATE:	FEB. 25, 2013
SCALE:	1" = 150'
DRAWN:	SMG
CHECKED:	NDM
PROJECT No.:	2814.00

SHEET

1

Geographic Description
Annexation of Rubenstein, Doolittle, and Struve Properties
to Carmel Area Wastewater District

Certain real property situate in the Rancho Cañada De La Segunda, County of Monterey, State of California, described as follows:

Parcels 6 and 7 as shown on Tract No. 137, Map No. 3 of Rancho Rio Vista, filed in Volume 4 of Cities and Towns at page 107, in Monterey County, California, and the "1.06 Ac." and "1.01 Ac. Net to Plan Line" parcels as shown on record of survey filed in volume 7 of Surveys at page 127, in Monterey County, California, the boundary of which is more particularly described as:

Beginning at the most westerly corner of said Lot 6, said point also being a point on the existing Carmel Area Wastewater District boundary; thence departing said District boundary and continuing along said right of way,

1. Along the arc of a 325.00 foot radius curve, concave northerly, the center of which bears North 19° 00' 00" West 325.00 feet, through a central angle of 32° 00' 00", an arc distance of 181.51 feet; thence tangentially
2. North 39° 00' 00" East, 217.44 feet; thence
3. Along the arc of a tangent 20.00 foot radius curve, concave southeasterly, through a central angle of 61° 27' 15", an arc distance of 21.45 feet; thence
4. South 79° 32' 45" East, 113.66 feet, at 112.50 feet being the northeast corner of said Parcel 7; thence
5. Along the arc of a tangent 225.00 foot radius curve, concave northerly, through a central angle of 19° 51' 28", an arc distance of 77.98 feet, to the northeast corner of said "1.06 Ac." Parcel; thence
6. South 11° 20' 00" East, 331.23 feet; thence
7. South 87° 22' 30" East, 67.69 feet; thence
8. South 38° 38' 00" West, 88.00 feet; thence
9. North 87° 22' 30" West, 75.40 feet; thence
10. South 50° 46' 00" West, 174.83 feet; thence
11. South 11° 47' 15" West, 309.20 feet; thence
12. North 83° 26' 00" West, 50.21 feet; thence
13. North 11° 47' 15" East, 368.82 feet, more or less, to the southeast corner of said Parcel 6; thence
14. South 89° 14' 00" West, 150.10 feet, to a point on the existing Carmel Area Wastewater District boundary; thence along said district boundary
15. North 42° 56' 20" West, 251.56 feet, to the point of beginning.

Containing 4.6 acres, more or less.

Attached hereto is a plat to accompany this geographic description, and by this reference made a part hereof.

END OF DESCRIPTION

PREPARED BY:
WHITSON ENGINEERS



RICHARD P. WEBER P.L.S.
L.S. NO. 8002



Job No.: 2814.00

annexation to the District of the portion of the site that is currently outside the District's boundaries. There is currently no estimated schedule for these items to come before LAFCO.

The Commission is requested to authorize a comment letter for the environmental review process (Attachment 1). The County circulated a Draft EIR for the project, with a comment period extended through October 4, 2013. The LAFCO Executive Officer prepared a draft comment letter. In order to provide timely input, the comment letter was sent to the County on a conditional basis, subject to review and approval by the Commission.

Alternative Actions

In lieu of authorizing the attached letter, the Commission may modify the comments or withdraw all comments.

Respectfully Submitted,



Kate McKenna, AICP,
Executive Officer

Attachments:

- 1- Draft Comment Letter, with Map Exhibit "A"
- 2- Comment Letter Submitted by Mission Soledad Rural Fire Protection District, Dated August 29, 2013

cc: John Ford, County of Monterey Resource Management Agency
Richard Hutchinson, Chief, CAL FIRE / Mission Soledad Rural Fire Protection District
John Owens, Battalion Chief, CAL FIRE / City of Soledad Fire Department
John E. Kesecker, Board President, Mission Soledad Rural Fire Protection District

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

2013 October 4, 2013

Commissioners

Chair

Louis R Calcagno
County Member

Vice Chair

Steve Snodgrass
Special District Member

Fernando Armenta
County Member, Alternate

Sherwood Darington
Public Member

Matt Gourley
Public Member, Alternate

Joe Gunter
Alternate, City Member

Maria Orozco
City Member

Warren E. Poitras
*Special District Member,
Alternate*

Ralph Rubio
City Member

Simón Salinas
County Member

Graig R. Stephens
Special District Member

Staff

Kate McKenna, AICP
Executive Officer

132 W. Gabilan Street, #102
Salinas, CA 93901

P. O. Box 1369
Salinas, CA 93902

Voice: 831-754-5838
Fax: 831-754-5831

www.monterey.lafco.ca.gov

John Ford, Planning Services Manager
Resource Management Agency | Planning
County of Monterey
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

RE: Draft Environmental Impact Report (EIR) for Paraiso Springs Resort

Dear Mr. Ford:

Thank you for this opportunity to comment on the Draft EIR for the proposed Paraiso Springs Resort. It is LAFCO's understanding that the proposed resort complex includes 103 hotel units, 77 timeshare dwelling units, three restaurants, a visitor center, nine meeting and conference rooms for day training and other special events, amphitheater stage and pavilion, day spa and fitness center, general retail store, artist studios, vineyards and wine tasting facilities, garden center, real estate office, indoor golf school, putting greens, basketball pavilion, racquetball and tennis courts, and various other visitor amenities.

The Local Agency Formation Commission of Monterey County (LAFCO) is a CEQA Responsible Agency, with regulatory authority for future local government boundary and service applications in the study area. It is in this role that LAFCO is commenting on the Draft EIR.

In order to comply with the deadline for commenting on the Draft EIR, I am providing the following comments in draft form. This letter is subject to review and authorization at the next regular meeting of the Local Agency Formation Commission on October 28.

AUTHORITY

Pursuant to the California Environmental Quality Act, LAFCO serves as a Responsible Agency with regard to the subject Draft EIR. A Responsible Agency is defined as any public agency, other than the lead agency, which has the responsibility for approving the project where more than one public agency is involved. As a Responsible Agency, LAFCO is available to the lead agency

(County of Monterey) for early consultation on a project to provide guidance on applicable issues and requirements.

LAFCO's statutory authority to regulate local government boundaries and services is derived from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000, et seq.) as amended. Among the purposes of the Local Agency Formation Commission are discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation, growth and development of local agencies based upon local conditions and circumstances (Government Code section 56301).

The Cortese-Knox-Hertzberg Act further provides that "In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the county and its communities, *the [LAFCO] commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere* (Government Code section 56425a; emphasis added).

As authorized by the Cortese-Knox-Hertzberg Act, LAFCO of Monterey County has adopted local "*Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization.*" In considering applications for local government boundaries or services, LAFCO considers both the State law and the adopted local policies and procedures. The State law and local policies are available on the LAFCO website at <http://www.monterey.lafco.ca.gov/>.

COMMENTS ON PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

The Draft EIR states, on page 3-244, that the project site is located within the Mission Soledad Rural Fire Protection District ("District"). However, LAFCO's records indicate that the western portion of the site is located outside of the District's existing boundaries and Sphere of Influence, within the State Responsibility Area for fire protection; please see the attached map (**Exhibit A**). The District has confirmed this determination; please refer to the District's comment letter dated August 29, 2013.¹

This State Responsibility Area is limited to very low density rural areas, watershed protection areas, and other similar undeveloped lands. Development of a project of the proposed scale and intensity is not appropriate in the State Responsibility Area. Therefore, the entire site should be brought into the District prior to approval of any development entitlements, in accordance with Monterey County General Plan Policy S-4.15 ("All new development shall be required to annex into the appropriate fire district.")

The required process will include an amendment to the District's Sphere of Influence, and annexation to the District of the portion of the site that is currently outside the District's boundaries. These LAFCO approvals should be added to the "Required Permits and Approvals"

¹ Please note that while the western portion of the project site is adjacent to the District's boundary, it is not located within the District's Sphere of Influence as referenced in the District's comment letter. The District's Sphere of Influence does not extend beyond its existing boundary.

table (Draft EIR p. 2-59), as well as any other areas of the Draft EIR that include similar discussions of required project approvals, and LAFCO should be specified as a CEQA Responsible Agency for this project.

Please note the following criteria that may be particularly applicable to LAFCO's future analysis of expanding the District's boundaries (excerpted from LAFCO of Monterey County's adopted Policies and Procedures, hyperlinked on page 2, above):

- LAFCO shall discourage proposals that would have adverse financial impacts on the provision of governmental services or would create a relatively low revenue base in relationship to the cost of affected services. (*LAFCO Policies and Procedures, Section VII.1, page 28*)
- Applications must address current and ultimate needs for governmental services and facilities as established by the appropriate land use plans and rezoning. (*LAFCO Policies and Procedures, Section VII.2, page 29*)
- Applications must indicate that the affected agencies have the capability to provide service. Territory shall be annexed to a city or special district only if such agency has or soon will have the capability to provide service. (*LAFCO Policies and Procedures Section VII.3, page 29*)

Please be aware that the Sphere of Influence amendment process will likely require an analysis and update of the District's Municipal Service Review. Although this document was updated relatively recently (March 2012), the current version notes that the District "does not have immediate plans for expansion" and experienced staffing reductions in 2011 as part of the City of Soledad's service contract with the California Department of Forestry and Fire Protection (CAL FIRE).

The Draft EIR states, on page 3-244, that "Backup fire protection services would be provided by the City of Soledad Fire Department." However, it is LAFCO's understanding that the City of Soledad, under contract with CAL FIRE, currently provides fire protection services to the entire District and would therefore be the primary—rather than backup—fire protection service provider. Please clarify the current arrangement for provision of primary and backup services in this discussion section.

The Draft EIR's statement that "The City of Soledad Fire Department has a goal for emergency response time of five minutes or less for fire emergencies over 90 percent of the time" should also be modified to disclose that the five-minute response goal is neither applicable to nor realistically attainable at the proposed project site. The District's comment letter indicates that an undesirable 15-minute response time is more likely at this location unless a new emergency service facility (station) is constructed closer to the site, to mitigate the project's impacts on emergency services, as discussed further below.

Please modify Figure 3.11-1, Regional Fire Protection Facilities, to depict only those facilities that are relatively proximate to the project site and likely to provide services to the site. Fire protection facilities on the Monterey Peninsula and other distant areas of the County are unlikely to be involved in serving the project site except under extreme circumstances.

COMMENTS ON POTENTIAL ENVIRONMENTAL EFFECTS

Fire Protection: The Draft EIR states, on page 3-256: “The proposed project would result in an increase in transient population within the project site, which would result in an increase in demand for fire protection and law enforcement services. However, the increase in transient population would not be considered substantial enough to warrant construction of new or expanded facilities in order to maintain service ratios, response times, or other objectives for the Mission Soledad Rural Fire Protection District and the County of Monterey Sheriff’s Department to serve the proposed project. Therefore, the proposed project would result in no environmental impacts associated with fire protection and law enforcement services.”

However, this discussion in the Draft EIR is inconsistent with the District’s EIR comment letter, which states: “Due to the location of the Proposed Project, the response time to any emergency is 15 minutes, which is a rather long response time for fire and EMS emergencies. The District currently staffs one fire engine with two firefighters to service the entire District. Accordingly, the District, as part of the fire mitigation efforts for the Proposed Project, would request the developer to provide funding to build a fully equipped and functional fire station in accordance with the District’s requirements and specifications. This would also require additional funding so that the District could sustain two fulltime firefighter positions. The District views this as the only viable mechanism available to provide adequately staffed and timely emergency response to serve the Proposed Project, and would want to see such station built during Phase One of the Proposed Project.”

Section 3.11 (Public Services and Utilities) of the Draft EIR should be substantially revised to reflect the project’s potential impacts on the District’s provision of services, as expressed in the District’s comment letter. The significance conclusion, currently cited as “no impact,” should be revised accordingly in this section, in the executive summary, and elsewhere in the document as needed.

Long-Term Water Supply: On pages 3-199 through 3-201, the Draft EIR estimates that the project’s water usage would range from 63.5 to 84.7 acre-feet per year, supplied by on-site wells. Viewed in the context of countywide land use planning and mitigation efforts such as the Salinas Valley water Project, the Draft EIR states that “the [project’s] additional water use will not substantially add to the current deficit” of groundwater usage in the Salinas Valley, and represents a less-than-significant impact for CEQA purposes. The Draft EIR also finds that the project’s groundwater pumping would have no adverse effect on any neighboring properties’ wells.

As described above, annexation of the project site’s western portion into the Mission Soledad Rural Fire Protection District will require LAFCO review and approval. In planning for future LAFCO consideration, please take into account the Groundwater Standards (Section X, pages 32-34) in LAFCO of Monterey County’s adopted Policies and Procedures document, previously discussed above. Among other policies, this section provides that “LAFCO will discourage those proposals which contribute to [a] cumulative adverse impact on the groundwater basin unless it can be found that the proposal promotes the planned and orderly development of the area.”

LAFCO Comments on the Paraiso Springs Resort Draft EIR

We appreciate this opportunity to provide comments on the Draft EIR, subject to Commission authorization on October 28. I would be pleased to meet with County staff and consultants for more detailed discussions.

Sincerely,



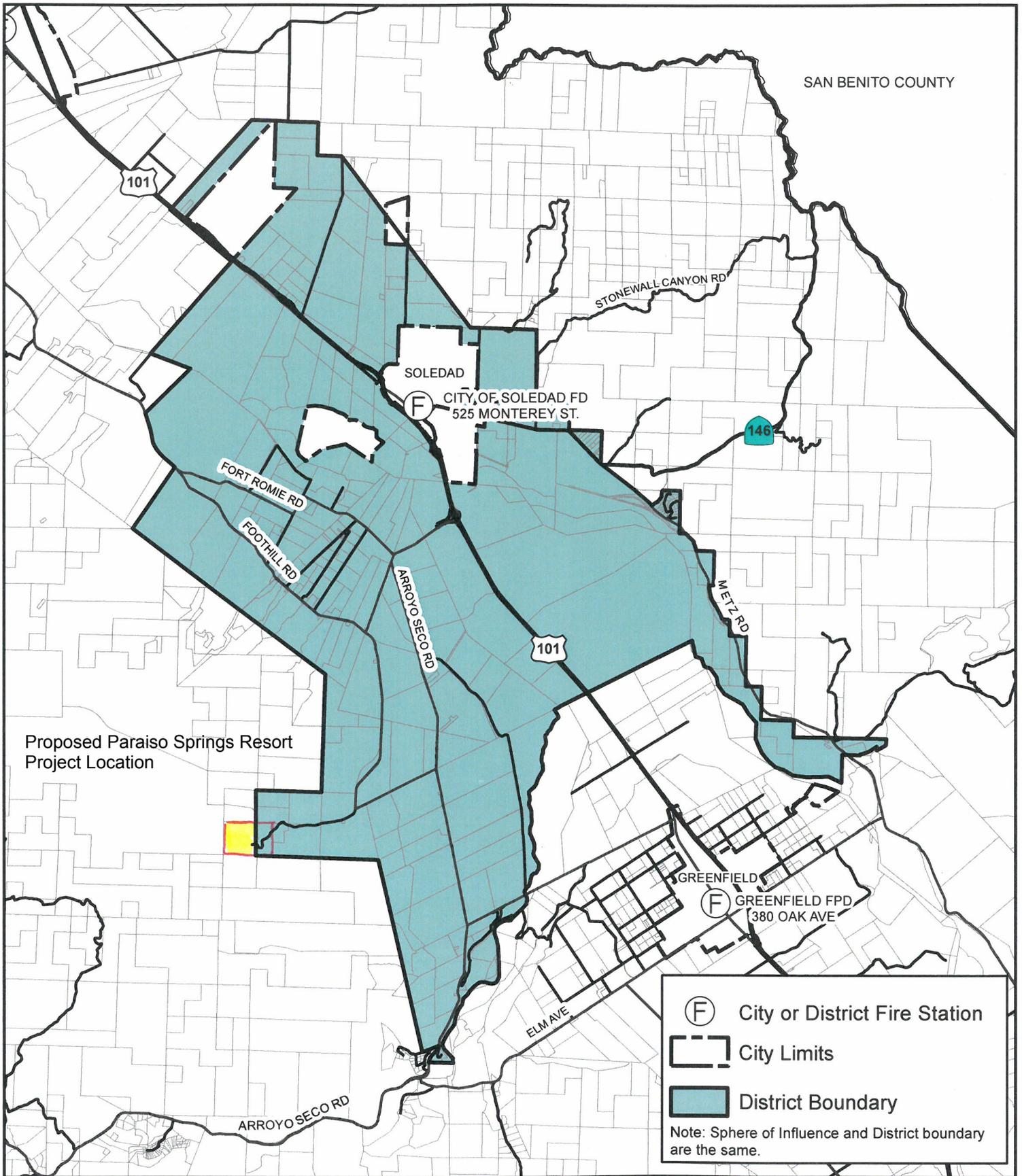
Kate McKenna, AICP
Executive Officer

Attachment: LAFCO map of Mission Soledad Rural Fire protection District, with proposed project site identified

Cc:

Richard Hutchinson, Chief, CAL FIRE / Mission Soledad Rural Fire Protection District
John Owens, Battalion Chief, CAL FIRE / City of Soledad Fire Department

SAN BENITO COUNTY



LAFCO of Monterey County

LOCAL AGENCY FORMATION COMMISSION

P.O. Box 1369
Salinas, CA 93902
Telephone (831) 754-5838

132 W. Gabilan St., Suite 102
Salinas, CA 93901
FAX (831) 754-5831



FIRE PROTECTION DISTRICTS

**MISSION SOLEDAD RURAL
FIRE PROTECTION DISTRICT**

Sphere of Influence Affirmed: 3/26/2012
Map Produced: 4/12/2012

MISSION-SOLEDAD RURAL
FIRE PROTECTION DISTRICT
P. O. Box 1205
Soledad, CA 93960
jkesecker@fentonkeller.com

August 29, 2013

John Ford, Senior Planner
Monterey County Resource Management Agency
Planning Department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Re: Paraiso Springs Resort Project ("Proposed Project")
PLN040183; SCH2005061016

Dear Mr. Ford:

My name is John Kesecker and I am currently the President of Mission-Soledad Rural Fire Protection District ("District"). The District has met regarding the Proposed Project, and I am submitting this letter on the District's behalf as its comments regarding the Paraiso Springs Resort Project Draft Environmental Impact Report:

1. Although the Proposed Project was previously reviewed for fire protection code compliance, the District believes that it should be reviewed again for accuracy and compliance with updated codes. The initial review was performed by persons and a company with whom the District no longer has a relationship. Although the Draft EIR states that the review has been completed, this is not a final review of the Proposed Project's fire protection systems, fire system water supply, and road improvements to accommodate clearance/access for emergency vehicles. Because of this, the District cannot reliably confirm or support the fire code compliance or adequacy of the fire protection systems without a further review. Of particular concern to the District is ensuring that there is an adequate source of water dedicated to fire prevention activities.

2. The Proposed Project is currently located in the State Responsibility Area (SRA) for fire protection. This fire protection is limited to wild land or watershed protection and not the Proposed Project and its development. It is the District's understanding that the Proposed Project is within the District's sphere of influence. Accordingly, prior to County approval, the proponents of the Proposed Project must apply to LAFCO for annexation in the District before construction begins. The District would appreciate being promptly advised if its understanding in that regard is incorrect.

3. The District is headquartered at 525 Monterey Street, Soledad, CA 93960. Due to the location of the Proposed Project, the response time to any emergency is 15 minutes, which is a rather long response time for fire and EMS emergencies. The District currently staffs one fire engine with two firefighters to service the entire District. Accordingly, as part of the fire

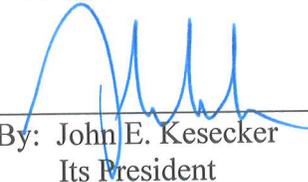
Monterey County Resource Management Agency
August 29, 2013
Page 2

mitigation efforts for the Proposed Project, the District would request the developer to provide funding to build a fully equipped and functional fire station in accordance with the District's requirements and specifications. This would also require additional funding so that the District could sustain 2 fulltime firefighter positions. The District views this as the only viable mechanism available to provide adequately staffed and timely emergency response to serve the Proposed Project, and would want to see such station built during the Phase One of the Proposed Project.

The District appreciates the opportunity to comment on the Draft EIR, and the attention of staff in connection with this matter.

Sincerely,

THE MISSION-SOLEDAD RURAL FIRE
PROTECTION DISTRICT



By: John E. Kesecker
Its President