

**Local Agency Formation Commission  
of Colusa County**

**Regular Meeting Minutes**

**February 2, 2006– 3:00 pm**

Colusa County Courthouse, Supervisors' Chambers, 546 Jay Street, Colusa, California

**1. Call to Order/Roll Call**

The meeting was called to order at 3:00 p.m. by Chairman David Womble. Commissioners present: Gary Evans, Brandon Ash and Don Barker. Commissioner absent: Kay Hausmann. Staff present: John Benoit, Executive Officer, Marsha Burch, Counsel, Christy Leighton, Acting Clerk.

**2. Approval of Minutes**

December 1, 2005 minutes will be approved at the March Meeting

**3. Public Comment:** None

**4. Consent Agenda**

*Payment of claims for January 2006*

On a motion by Commissioner Evans, second by Commissioner Barker, it was unanimously voted to approve the Consent Agenda and payment of claims.

**Public Hearing:**

**5. Establishment of a Sphere of Influence, Formation of the Cortina CSD and concurrent detachment from the Colusa County Water District.**

This formation is proposed by Tim Lewis Communities, Dunmore Communities and Pristine Homes.

The establishment of the Cortina CSD is proposed to result in the availability of necessary services such as roads, drainage, streetlights, landscaping, water and wastewater services for four previously approved and non-contiguous subdivisions.

This project is located around the unincorporated area of Arbuckle, Colusa County, California and is defined by the Assessor's Parcel Numbers as follows:

ZONE 1: Rancho Cortina (now known as Hillgate) 018-250-018, 018-250-019, 018-250-020, 018-250-017;

ZONE 2: Reddington Ranch 018-280-010,011 & 018-280-013;

ZONE 3: River Glen 020-200-01 through 41; and

ZONE 4: Wildwood Estates- 021-300-018.

A detachment of zones 1 and 2 from the Colusa County Water District is also proposed.

*Action:*

1. *Adopt a Negative Declaration without Mitigation Measures for the establishment of a Sphere of Influence and Formation of the Cortina Community Services District and authorize the Executive Officer to File a Notice of Determination.*
2. *Consider Resolution 2006-0001 establishing a Sphere of Influence*
3. *Consider Resolution 2006-0002 approving the formation of the Cortina Community Services District detaching zones 1 and 3 from the Colusa County Water District.*

The Chairman opened the Public Hearing. John Benoit, Executive Officer, explained that the inclusion of water and wastewater treatment services could be considered a problem because LAFCO policy prohibits duplication of services. However, the subdivision in Zone 1 is five miles away from the Arbuckle PUD and will require water and wastewater treatment services. The other three subdivisions are in the Arbuckle PUD or will be annexed to the Arbuckle PUD but will require other services from the Cortina CSD.

The County of Colusa has approved the 134 lot subdivision known as Hillgate and it would not be good for the environment to allow this development on individual septic tank systems. These subdivisions will be detached from the Colusa County Water District which supplies irrigation water from the Tehama-Colusa Canal.

LAFCO was informed that the Colusa County Board of Supervisors did not want a County Service Area so a Community Services District is necessary. A Negative Declaration has been prepared. A fiscal analysis has been prepared for each lot in each subdivision.

The Arbuckle Fire Protection District and the County Sheriff will continue to provide services to these subdivisions and funding will be augmented by the Community Facilities District to be approved by the Board of Supervisors. This is a financing mechanism, not a governing district.

Henry Rodergerets, Colusa County Counsel, spoke regarding the Community Facilities District (CFD). He was concerned that the fiscal analysis report did not reflect the CFD contribution to fire protection and police services.

Steve Hackney, Colusa County Planning Director, stated that this has been a very long process but that the developers have worked together to make sure that funding for the

developments will be available. They realized that impact fees cannot be used for on-going expenses for police and fire protection, only for infrastructure and equipment. They needed to form the Community Facilities District for payment of operational expenses. The CFD would provide money for the on-going police and fire protection.

John Benoit, Executive Officer, explained that the CFD had to be formed by the Board of Supervisors because the Community Services District Board of Directors was not yet in place.

Steve Hackney, Planning Director, stated that a lot of coordination has been done to make sure that the people will have the services that they need and that there will be money to pay for them and that the existing residents of the County will not be adversely impacted by the costs of additional services.

Kim Vann explained that the CFD needs to be created at the same time as the CSD so that funding for “non-infrastructure needs” will be available.

Commissioner Evans wanted to know why the CSD could not collect money for police and fire protection services.

Bob Barrett, Engineer, explained that while some CSD’s do provide fire protection and police services, in this case the Arbuckle Fire Protection District and the County Sheriff would be providing these services. Any increase in property taxes would apply to the whole Fire Protection District or the whole County and would have to be voted on according to Proposition 218. The CFD is a way to provide funding from the new residents.

Commissioner Barker wanted to know if a Mello-Roos District could be used.

Steve Hackney explained that the Community Facilities District is a Mello-Roos District.

Henry Rodergerets, County Counsel, stated that the fiscal analysis report is not adequate and should be clarified regarding the CFD.

Brad Michaud, representing Dunmore Communities, stated that he wants the CSD to include sewer and water service for Zone 1, Hillgate Subdivision. If this cannot be done can an additional Community Services District be formed for sewer and water service?

John Benoit stated that the Cortina CSD can be authorized to provide sewer and water services if the Resolution is revised to include language to state that the services cannot overlap with the services provided by the Arbuckle PUD.

Lee Emrick, General Manager of the Colusa County Water District, stated that he was initially concerned about this project but now he thinks it will work out well and LAFCo staff was very responsive.

Commissioner Evans wanted to know how many acres were in the proposed Cortina CSD.

John Benoit stated that 226 acres would be in the Cortina CSD. The Blue Quail subdivision was no longer part of the project because the approved tentative map had expired.

Commissioner Evans had questions regarding the Negative Declaration and the environmental review process. He asked what the population of Arbuckle was at this time.

Kim Vann stated that the Arbuckle PUD had 830 connections and a population of approximately 2500.

Commissioner Evans was concerned that the cumulative impact of these projects had not been addressed.

Marsha Burch, Counsel, stated that each subdivision was subject to environmental review and cumulative impact analysis. The County has approved these subdivisions. The formation of the Cortina CSD is a mitigation measure to provide services to the people.

John Benoit explained that the Commission had to comment on projects when they were initially sent out for review. He stated that LAFCO's focus is on the provision of services.

Commissioner Evans is concerned about the number of people coming to the area and the impact on Arbuckle.

Chairman Womble ordered a ten minute recess.

The Public Hearing continued following the recess.

John Benoit explained the changes to Resolution 2006-02. Page 1, Whereas, the Cortina CSD will be allowed to provide water and wastewater treatment services but not within the Arbuckle PUD or the Arbuckle PUD SOI. Page 3, B will have the following added:

8. Water service, not within Arbuckle PUD of Arbuckle PUD SOI
9. Wastewater treatment service. not within Arbuckle PUD of Arbuckle PUD SOI
10. Police and Fire Protection infrastructure, not including personnel.

Language was added to Resolution 2006-0002, as follows:

WHEREAS, While the Commission is authorizing water and wastewater services within the CSD, the Commission does not intend any future zones of benefit providing water

and wastewater services be authorized or provided either within the Sphere of Influence or within the Arbuckle Public Utility District.

The Public Hearing was closed.

On a motion by Commissioner Evans, second by Commissioner Barker, it was unanimously voted to approve the Negative Declaration as amended.

On a motion by Commissioner Ash, second by Commissioner Barker, it was unanimously voted to approve Resolution 2006-01, adopting the Sphere of Influence for Cortina CSD with the same "Whereas,..." listed above added to the Resolution.

On a motion by Commissioner Evans, second by Commissioner Ash, it was unanimously voted to approve Resolution 2006-02, Formation of the Cortina Community Services District with the amendments stated by John Benoit.

**Untimed Items:**

**6. Executive Officer's Report**

John Benoit advised each commissioner to file Form 700.  
The GCID is applying for detachments for land within the City of Williams.  
Colusa LAFCO will need an outside audit this year.  
Princeton and Maxwell MSR's are being prepared.  
Each commissioner received a letter from Arbuckle PUD and the CALAFCO newsletter.

**7. Commissioner Reports**

Commissioner Ash about the new law requiring ethics training. John Benoit stated that he would look into classes available or perhaps LAFCO could provide a class and invite the board members from the special districts.

**8. Correspondence**

John Benoit stated that the correspondence was provided in the meeting packet.

**9. Adjournment**

The meeting was adjourned at 4:45 p.m.

The next meeting will be March 2, 2006, 3:00 p.m.

Approved: \_\_\_\_\_  
David Womble, Chairman