

MODOC LOCAL AGENCY COMMISSION

EXECUTIVE OFFICER'S REPORT

MEETING DATE: April 14, 2014 4:00 PM.

TO: Modoc Local Agency Formation Commission

FROM: John Benoit, Executive Officer

SUBJECT: LAFCO #2014-0001, City of Alturas Millsite and Wastewater Treatment Plant Reorganization – (285-acres) and Sphere of Influence Amendment (22-acres)

Attachments:

1. City of Alturas Initiating Resolution 2013-09, Plan for Services & Justification, Existing Land Uses, Maps and Descriptions
2. LAFCO Resolution #2015-0001 - Sphere Amendment
3. LAFCO Resolution #2015-0002 – Reorganization
4. Notice of Exemption
5. Rezoning Ordinance #496

1. Summary:

A request has been made by **the City of Alturas** to annex 285-acres more or less of territory located south and west of the City and to concurrently detach 285-acres from the Alturas Rural Fire District including the Airport/Millsite (west of the City) and the Wastewater Treatment Plant (south of the City). The City adopted Resolution 2013-09 on April 23, 2013 thereby initiating LAFCo Proceedings for an amendment to the City's Sphere of Influence, and Reorganization consisting of a city annexation and detachment from the Alturas Rural Fire Protection District. (See attachment #1, City Resolution 2013-09). The City also initiated a Sphere of Influence amendment consisting of 22 more or less acres.

This reorganization proposal includes Assessor Parcel's 022-130-011; 22-180-012, 015, and 022-180-030 in Area "A", consisting of 50.11 acres more or less of non-contiguous territory of which 22 acres are not currently within the Sphere of Influence for the City. The use of this territory is for municipal services and therefore is allowed under Government Code Section 56742.

Area B consists of 022-180-03& 050 and 22-490-004,005,006,007,008, & 016 including 234.97 acres more or less within the City's Sphere of Influence.

The Geographic Description and Reorganization Map identifying and describing the territory to be reorganized is included as Exhibits "A" and "B" in Resolution 2015-0002, the resolution approving the reorganization. Resolution 2015-0002 is a resolution amending the City's Sphere of Influence to include the additional 22-acres of territory (see Attachment #2 Resolution 2015-0002 adopting a Sphere of Influence amendment).

The purpose of this reorganization is for the orderly operation of the airport, and the efficient planning and delivery of essential sewage treatment services. Please see the attached Justification Statement and Plan for Services. Staff recommends that the Modoc Local Agency Commission approve a Sphere Amendment to include a 22-acre territory into the City's Sphere of Influence and remove the 22-acre territory from the Alturas Rural Fire Protection District's Sphere of Influence (which is located in the southern most part of Area "A") and approve the annexation of the 285 acres of territory into the City and detach the 285-acre territory from the Alturas Rural Fire Protection District (See attachment #3 approving the reorganization).

2. Proposal and Justification:

Noncontiguous City-owned territory for municipal purposes

Section 56742 of the Government Code allows annexations of city-owned non-contiguous territory as follows:

- (a) Notwithstanding Section 56741 (territory within the same county), upon approval of the commission a city may annex noncontiguous territory not exceeding 300 acres if the territory meets all of the following requirements:

- (1) It is located in the same county as that in which the city is situated.
- (2) It is owned by the city.
- (3) It is used for municipal purposes at the time commission proceedings are initiated.

(b) Territory which is used by a city for the reclamation, disposal, and storage of treated wastewater may be annexed to the city pursuant to this section without limitation as to the size of the territory.

(c) If territory is annexed pursuant to this section, the annexing city may not annex any territory not owned by the city, not used for municipal purposes, and not contiguous to the city, although the territory is contiguous to the territory annexed pursuant to this section.

Proposal Statement of Justification and Plan for Services:

The Statement of Justification and Plan for Services are included in Attachment #4.

3. Location:

This property is located at the airport /mill site (west of the City, and the sewage treatment plant (south of the City).

4. Purpose:

To comply with the goals and policies of the general plan, promote general health and safety and welfare of the area.

5. Background Information:

Accepted for filing: March 19, 2015

Publication and Posting: March 19, 2015

Compliance with CEQA:	Exempt NOE 4.25.2013
Lead Agency:	City of Alturas
Environmental Finding:	Exempt Class 5 (see Attachment # 4)
Date of Finding:	April 25, 2014 filed May 2nd, 2013

Compliance with applicable Plans:

The proposed Reorganization conforms to the Alturas City General Plan.

Compliance with the Sphere of Influence:

The proposed reorganization will require a Sphere of Influence Amendment to bring 22 acres of the 50.11-acre Area "A" territory into the City's Sphere of Influence.

Existing Land Use and Zoning:

LAND USE DESIGNATION:	Public Facility/Agriculture/Airport
PREZONING:	Industrial/Agriculture Ord 496- May 14, 2013 (See Attachment #5)
DWELLINGS:	None.
POPULATION:	None.
REGISTERED VOTERS:	None.
LANDOWNERS:	City of Alturas and County of Modoc

Existing Land Use for surrounding territory:

North: City

East: Agriculture and City

South: Agriculture

West: Agriculture.

Proposed development: N/A

Fiscal data: The City of Alturas, the Alturas Rural Fire Protection District and County of Modoc have adopted Resolutions for the distribution of Property Taxes for uninhabited territory (ARFPD Resolution 2015-01, City Resolution 2015-03 and County Resolution 2015-09) in January 2015.

Existing service agencies:

School District:	Modoc Joint Unified School District.
Fire Protection:	Alturas Rural Fire Protection District
General Government	Modoc County
Road Maintenance	Modoc County
Law Enforcement	Modoc County Sheriff's Dept.

Proposed service agencies:

School District:	Modoc Joint Unified School District.
Fire Protection:	City of Alturas
General Government	City of Alturas
Road Maintenance	City of Alturas
Law Enforcement	City of Alturas

Service and improvement plan:

N/A

6. Sphere of Influence Amendment - Policy

Modoc LAFCo Policies updated and adopted in April 2009 require an amendment to the adopted sphere of influence plan when an agency seeks to annex territory not within its Sphere of Influence. The City of Alturas Sphere of Influence was adopted in 2010. The City's General Plan was last amended in 2014. The Alturas Rural Fire Protection District's Sphere of Influence was updated on October 11, 2011.

Policy Analysis

Modoc LAFCO adopted Policies and Procedures regarding Amendments and Updates of Spheres of Influence (Section 3.4) in April 2009. Below is a discussion of the applicable policy.

Policy 3.4 (e)

General Requirements. LAFCO will generally treat an update or a proposed amendment to an agency's Sphere of Influence similarly to an application for approval of a Sphere of Influence. Each of the following sets of policies apply to amendments to and updates of Spheres of Influence:

- i) General policies.
- ii) Specific policies and standards for Spheres of Influence and for Updates and Amendments thereto.

General Policies (Section 3.1) require an analysis of four factors as stated in Section 56425 (e) these are discussed below.

This proposal is designated Industrial and Agriculture and is located south and west of the City of Alturas. With the exception of future WWTP plant upgrades no future development is contemplated at this time. Since this is the case, land in the 50.11-acre wastewater treatment facility can be feasibly be served by the city in a near term time frame. This sphere amendment including 22 acres of the 50.11-acre WWTP site is internally consistent with the City's existing General Plan.

Policy 3.4 (f)

Precedence of Amendments over Annexations. Sphere of Influence amendments shall precede the Commission's consideration of proposals for change of organization or reorganization.

The amendment discussion will precede commission action on the consideration of the annexation proposal.

Policy 3.4 (g)

Demonstrated Need Required. An applicant for amendment to a Sphere of Influence must demonstrate a projected need or (in the case of reduction of the sphere) lack of need for service.

The City has the capability of providing fire protection services to the wastewater treatment plant and airport/mill site property since the City fire department has the capacity.

Policy 3.4 (h)

Open Space and Prime Agricultural Land. Amendment proposals involving Sphere expansions, which contain open space or prime agricultural land will not be approved by LAFCO if there is sufficient alternative land available for annexation within the existing Sphere of Influence.

No new development will occur in this territory will impact agricultural operations in the surrounding area.

Pursuant to Government Code Section 56425, LAFCO must consider four specific issues prior to making written determinations to support its action in amending the Sphere of Influence for the City of Alturas and the Alturas Rural Fire Protection District. These are discussed in the following paragraphs:

1. The present and planned land uses in the area, including agricultural and open space lands.

Present and planned land uses in the area include a wastewater treatment facility and the airport and mill site property. There will be no change with respect to agricultural lands. Fire and EMS Services will be provided by the City.

2. The present and probable need for public facilities and services in the area.

There will be no change in the territory except police and fire and EMS will be provided by the City instead of the County and Alturas Rural FPD.

3. The present capacity of public facilities and adequacy of services that the agency is authorized to provide.

Water and wastewater is provided at the facility. There will be no change to the service providers excepting Police, Administration, and Fire.

4. The existence of any social or economic land communities of interest in the area if the Commission determines that they are relevant to the community.

The 50.11-acre WWTP is non-contiguous city-owned territory and is proposed to be included within the City's boundaries and its near-term Sphere of Influence and 22 acres are removed from the Sphere of Influence from the Alturas Rural Fire Protection District. No other social or economic communities of interest exist in the area.

5. For an update or amendment of a sphere of influence of a city or special district which provides public facilities or services related to sewers, municipal or industrial water, or structural fire protection the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

While the City provides water, wastewater and fire, there are no contiguous disadvantaged unincorporated communities to the reorganization territory.

Conclusion:

The above considerations are the basis to support the inclusion of the 22 more or less acres to the Sphere of Influence for the City of Alturas and to remove the 22 acres more or less from the Alturas Rural Fire Protection District. Recommended actions are presented in accordance with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as they apply to the Sphere of Influence Studies.

Based upon the foregoing, it is my recommendation that the above stated determinations be approved by adopting the attached Resolution Making Determinations and Approving the Sphere of Influence Amendment for the City's wastewater treatment facility to include the 50.11-acre wastewater treatment site into the City and 22 acres into the near term Sphere of Influence for the City and to remove the territory (22 acres more or less) from the Alturas Rural Fire Protection District's Sphere of Influence.

7. **Governing Law and LAFCO Policy**

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding detachments, annexations, incorporations, reorganizations, and other changes of government. LAFCO's policies and procedures have been adopted to be consistent with the policy directives of the Act. Specifically, Policies adopted by Modoc LAFCO are designed to:

- a) Provide Information. Give applicants for changes of organization guidance as to the information LAFCO needs to make appropriate determinations concerning their applications and provide information and notice to elected officials, governmental staff, and members of the general public as to the standards and procedures that LAFCO will use in evaluating applications.
- b) Set Criteria. Provide applicants for changes of organization with explicit guidance as to the criteria LAFCO will use in approving, disapproving, amending, or conditionally approving applications for changes of organization.
- c) Ensure Greater Consistency in LAFCO's decision-making process.
- d) Facilitate Communication among local agencies in the region.
- e) Minimize Adverse Impacts of the social, economic and environmental results of growth.
- f) Provide for Planned, Well-Ordered Efficient Urban Development Patterns with appropriate consideration of preserving open space lands within those patterns.

The following table is provided as a guide for the Commission to consider.

This proposal complies with applicable legal and proposed policy requirements, as summarized below:

Governing Law

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding annexations, incorporations, reorganizations, and other changes of government. Section 56668 of the Government Code states the following:

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

- (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.
- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls;

probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

(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.

(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.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

(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.

(g) A Regional Transportation Plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans.

(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

(i) The comments of any affected local agency.

(j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

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

(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.

(m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

(n) Any information relating to existing land use designations.

(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.

The following factors will be reviewed with regard to the this reorganization:

(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.

This proposal will not have any impact upon population growth in the area since the existing territory is a public facility (WWTP) and an industrial area.

(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

“Services,” as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

The county is currently servicing this area and the city has the ability to provide services.

(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.

This reorganization will have no effect on social and economic interests since there will be no growth.

(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.

The adopted Commission policies are examined below.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

The land proposed for reorganization is rezoned for Agricultural and industrial uses. This action will not have no impact upon the integrity of surrounding Agricultural lands.

- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The boundaries are definite and certain.

- (g) A Regional Transportation Plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans.

The proposed action is consistent with the Modoc City General Plan since there will be no growth inducement nor will the integrity of agricultural lands or lands zoned for Agriculture be altered.

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

This area is mostly within the City's Sphere of Influence and 22-acres needs to be included in the WWTP area.

- (i) The comments of any affected local agency.

None received

- (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.

N/A

- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5

N/A.

- (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.

N/A

- (m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

N/A

- (n) Any information relating to existing land use designations.

The proposed project is not in conflict with the Alturas City and County General Plan. The land use designation remains and the use as is existing.

- (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.

N/A

Modoc LAFCO General Policies

Policy		Comment
Communication between local agencies is encouraged.	N/A	N/A
Urban development proposals shall include annexation to a city where possible.	N/A	No new urban development is proposed.
LAFCO will normally deny proposals that result in urban sprawl.	N/A	This project is not planned or zoned for urban development
Environmental consequences (CEQA) shall be considered.	Consistent	
LAFCO will consider the impact of a proposal on the regional supply of housing for all income levels.	N/A	
LAFCO will favor proposals that promote compact urban form and infill development.	N/A	
Government structure should be simple, accessible, and accountable.	Consistent	There is no indication of unnecessary complexity or lack of accessibility or accountability.
Agencies must provide documentation that they can provide service within a reasonable period of time.	N/A	
Efficient services are obtained when proposals:	N/A	

Utilize existing public agencies. Consolidate activities and services. Restructure agency boundaries to provide more logical, effective, and efficient services.		
Adverse impacts on adjacent areas, social and economic interests and the local government structure must be mitigated.	N/A	
Conformance with general & specific plans required.	Consistent	
Boundaries: Definite boundaries are required. Boundaries that are favored: Create logical boundaries & eliminate islands or illogical boundaries. Follow natural or man-made features and include logical service areas. Boundaries that are disfavored: Split neighborhoods or communities. Result in islands, corridors, or peninsulas. Drawn for the primary purpose of encompassing revenue-producing territories. Create areas where it is difficult to provide services.	Consistent	
Revenue neutrality required for all proposals.	Consistent	
Agricultural and Open Space Land Conservation Standards: Must lead to planned, orderly & efficient development. Approved Sphere of Influence Plan required. Findings with respect to alternative sites required. Impact on adjacent agricultural/open space lands assessed. Agricultural Buffers	Consistent	
Need for services exists when: Public health and safety threat exists. The residents have requested extension of non-growth-inducing community services. Subject area is likely to be developed for urban use within 5 years.	N/A	
Exceptions are justified on the following grounds: Unique. Standards Conflicts. Quality/Cost. No Alternative.	Consistent	No policy exceptions are needed

Annexation and Detachment Policies—Modoc LAFCO General

Policy		Comment
Proposals must be consistent with LAFCO general	Consistent	

policies.		
A proposal must be consistent with the agency's Sphere Plan and Master Service Element.	Consistent	
Plan for Services required.	N/A	
Subject territory must be contiguous to the agency's boundaries if required by law, or if necessary for efficient service delivery.	Yes	The Cortese-Knox act allows for non-contiguous city annexations as proposed for the WWTP.
The detachment is necessary to ensure delivery of services essential to Health and Safety.	yes	The City will provide Police, fire and EMS services to the territory
The Successor provider will be the most efficient service provider	yes	
The service plans for districts, which lie within a City's Sphere of Influence should provide for orderly detachment of territory from the district or merger of the district as district territory is annexed to the City.	Consistent	
Detachment from a City or Special District shall not relieve the landowners within the detaching territory from existing obligations for bonded indebtedness or other indebtedness previously incurred.	Consistent	
Adverse impact of detachment on other agencies or service recipients is cause for denial.	Consistent	
Action options include: Approval. Conditional approval to require only a portion of the area to be detached. Denial.		

8. Comments from the public and public agencies

None received

9. Recommendation

Staff recommends the Commission take the following actions:

1. Adopt Resolution 2015-0001 approving a Sphere of Influence Amendment to include 22-acres more or less in the City of Alturas' Sphere of Influence and to remove 22 acres more or less from the Alturas Rural FPD's City's Sphere of Influence.
2. Adopt Resolution 2015-0002 approving this reorganziation consisiting of a detachment of 285 acres from the Alturas Rural Fire Protection District and Annexation of 285-acres including 50.11-acres of non-contiguous City Property to the City of Alturas.

10. Suggested Sample Motions:

I move to offer Resolution 2015-0001 approving a Sphere of Influence amendment consisting of 22-acres more or less to the City of Alturas for the Wastewater Treatment Property owned by the City and the removal of 22 acres more or less from the Alturas Rural FPD Sphere of Influence.

I move to offer Resolution 2015-0002 approving a detachment of 285-acres from the Alturas Rural Fire Protection District and Annexation of 285-acres more or less to the City of Alturas subject to recommended terms and conditions.

RESOLUTION 2013-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALTURAS
REQUESTING THE MODOC
LOCAL AGENCY FORMATION COMMISSION (LAFCO)
INITIATE PROCEEDINGS FOR
AN AMENDMENT TO THE CITY'S SPHERE OF INFLUENCE
AND REORGANIZATION OF CERTAIN REAL PROPERTIES CONSISTING OF A
DETACHMENT FROM MODOC COUNTY AND
THE ALTURAS RURAL FIRE DISTRICT
TO THE CITY OF ALTURAS**

WHEREAS, the City Council of the City of Alturas desires to initiate a Sphere of Influence (SOI) Amendment and Reorganization proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 et seq.; and

WHEREAS, all of the properties subject to these proceedings are listed in Exhibit A (consisting of a table and three maps); and

WHEREAS, the total area of all parcels subject to this proposal is approximately 289 acres more or less, all of which are owned by either the City of Alturas or the County of Modoc (as indicated in Exhibit A); and

WHEREAS, all but Parcel A are within the adopted Sphere of Influence for the City of Alturas; and

WHEREAS, a noticed public hearing was held on February 27, 2013 by the Planning Commission of the City of Alturas where it considered and recommended approval of both the pre-zoning of said properties along with the Proposed LAFCO Proceedings (consisting of a Sphere of Influence Amendment; Detachment from the County of Modoc and the Alturas Rural Fire District; and subsequent Annexation to the City of Alturas) by adopting Resolution 2013-01; and

WHEREAS, the Proposed LAFCO Proceedings are to be subject to the following terms and conditions:

- (1) All costs incurred to complete the proposal, including but not limited to the application and review expenses required by the Modoc County LAFCO and the State Board of Equalization, will be born by t he City; and
- (2) A metes and bounds description and a map of the subject territory shown in Exhibit A shall be completed by a Licensed Land Surveyor for submittal with the formal LAFCO application; and

(3) A property tax sharing agreement must be confirmed by all applicable parties.

WHEREAS, a noticed public hearing was held on April 23, 2013 by the City Council of the City of Alturas to consider and discuss the terms and conditions of the proposal, the recommendations of the Planning Commission and other public testimony with regard to both the pre-zoning of the property and the proposed LAFCO proceedings; and

WHEREAS, the City Council adopted the Planning Commission's recommended pre-zoning for the subject properties shown in Exhibit A by adopting Ordinance 496 on April 23, 2013; and

WHEREAS, the City Council has considered the merits of the Sphere of Influence Amendment, Detachment from the County of Modoc and the Alturas Rural Fire District and the subsequent Annexation proposal described here-in, and its effect on the General Plan, as well as the health, safety, and welfare of the Citizens of Alturas and Modoc County; and

WHEREAS, the City Council concurs with staff's evaluation that each of the components of this project are Categorically Exempt from the California Environmental Quality Act under Class 5, Section 15305 (Minor Alterations in Land Use Limitations), and Class 19, Section 15319 (Annexation of Existing Facilities and lots for Exempt Facilities); and

WHEREAS, the City Council finds that the Sphere of Influence Amendment, Detachment from the County of Modoc and the Alturas Rural Fire District, and the subsequent Annexation proposal described here-in are also in conformance with policies of the General Plan of the City of Alturas and important in protecting the health, safety and welfare of the Citizens of both Alturas and Modoc County as it will:

- (1) Help to improve the economic vitality of the area, and
- (2) Provide for the orderly expansion and provision of airport and sewer services.

NOW, THEREFORE, BE IT RESOLVED, that this Resolution of Application is hereby adopted and approved by the City Council of the City of Alturas, and the Modoc Local Agency Formation Commission is hereby requested to initiate a Sphere of Influence (SOI) Amendment to include Parcel A, shown in Exhibit A, in the City's approved SOI; detach all properties shown in Exhibit A from the County of Modoc and the Alturas Rural Fire District; and attach all properties shown in Exhibit A to the City of Alturas, according to the terms and conditions stated above and in a manner provided by Government Code Section 56654.

BE IT FURTHER RESOLVED, that Public Works Director Joe Picotte is hereby authorized to act as liaison to the Modoc LAFCO and is authorized to sign all documents for the City that might be required by LAFCO relating to the action requested in this resolution.

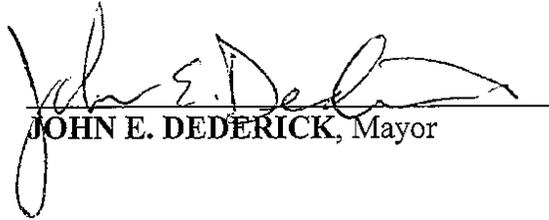
PASSED AND ADOPTED by the City Council at a Special Meeting on the 23rd day of April, 2013.

AYES: Councilmembers: John E. Dederick, Bobby Ray, Keith Jacques, Jim Irvin, Cheryl Nelson

NOES: None

ABSTAIN: None

ABSENT: None


JOHN E. DEDERICK, Mayor

ATTEST:


CARY E. BAKER, City Clerk

NOTARY PUBLIC
CITY OF ALTURAS
I, CARY L. BAKER, CITY CLERK DO HEREBY CERTIFY
THAT THIS IS A FULL, TRUE AND CORRECT COPY OF
THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE.
WITNESS MY HAND AND OFFICIAL SEAL THIS
10th DAY OF December 2013
CARY L. BAKER, CITY CLERK
BY Cary L. Baker

Statement of Justification and Plan For Services

JUSTIFICATION: All property included in the requested SOI Amendment and Annexation to the City of Alturas (and concurrent detachment from Modoc County and Rural Fire District), are publicly owned properties.

Most of the properties are owned by the City of Alturas. The rest are owned by the County of Modoc and are part of either the Alturas Municipal Airport or the City Sewage Treatment Plant and may be needed for future facility expansion. Both the Sewage Treatment Plant and the Airport are operated by the City of Alturas.

Annexation of these properties to the City of Alturas is required for the orderly operation of the airport and the efficient planning and delivery of essential sewage treatment services. This action will streamline decision making processes relative to the long-term planning for the properties in question, and keep property tax dollars with the City where they can be used to improve service delivery.

PLAN FOR SERVICES: Government Code Section 56653 requires a resolution of application for a change of organization must be accompanied by a plan for providing services within the affected territory. Said plan should include all of the following information:

(1) An enumeration and description of the services to be extended to the affected territory.

All the properties in question are part of either the Municipal Airport, the City Sewage Treatment Facility or a 103 acre industrial area. All are supplied with on site well water and septic systems, and power is supplied by Pacific Power and Light. There will be no change in these services. The only service change will be that fire protection will change from the Rural Fire Department to the City Fire Department, and Police Protection will change from the County Sheriff to the City Police Department.

(2) The level and range of those services.

Since the properties in question are either owned or operated by the City of Alturas, the City has always assisted in the provision of fire and police services through a joint agreement with the present providers. No change in the level of service is anticipated.

(3) An indication of when those services can feasibly be extended to the affected territory.

These services are already being provided.

(4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

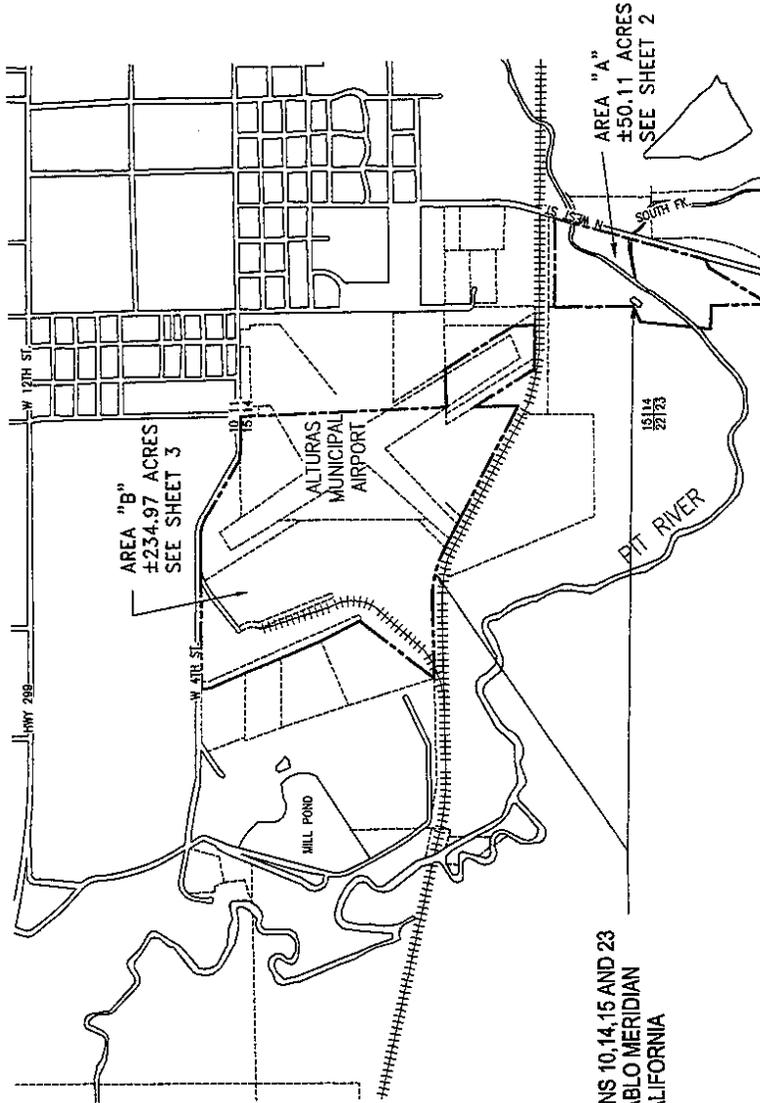
Services are adequate for the area. No change in services or upgrades are anticipated.

(5) Information with respect to how those services will be financed. *Not Applicable.*

List of Existing Land Uses

Parcel	APN	Current Use	City General Plan Designation	City Pre-Zone
A	022-130-11	Sewage Treatment	Public/Quasi Public	Agriculture
B	022-180-12	Sewage Treatment	Public/Quasi Public	Agriculture
C	022-180-15	Sewage Treatment	Public/Quasi Public	Agriculture
D	022-180-30	Sewage Treatment	Public/Quasi Public	Agriculture
E	022-180-35	Airport	Public/Quasi Public	Industrial
F	022-180-50	Airport	Heavy Industrial	Industrial
G	022-490-04	Airport	Public/Quasi Public	Industrial
H	022-490-05	Airport	Public/Quasi Public	Industrial
I	022-490-06	Airport	Heavy Industrial	Industrial
J	022-490-07	Airport	Heavy Industrial	Industrial
K	022-490-08	Airport	Heavy Industrial	Industrial
L	022-490-16	Old Mill Site	Heavy Industrial	Industrial

PUBLIC FACILITIES MODOC COUNTY CALIFORNIA



BEING A PORTION OF SECTIONS 10, 14, 15 AND 23
T. 42N., R. 12E., MOUNT DIABLO MERIDIAN
MODOC COUNTY, CALIFORNIA



DISCLAIMER:
FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A
LEGAL PROPERTY DESCRIPTION AS DERIVED FROM THE SUBDIVISION MAP ACT AND MAY
NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

AREA "A"

ASSESSOR PARCEL MAP NUMBER'S

1. 022-130-11
2. 022-180-12
3. 022-180-15
4. 022-180-30

AREA "B"

ASSESSOR PARCEL MAP NUMBER'S

1. 022-480-04
2. 022-480-05
3. 022-480-06
4. 022-480-07
5. 022-480-08
6. 022-480-16
7. 022-180-35
8. 022-180-50

GROSS ACRES = 285.08

A.P.N. 022-130-11, 022-180-12, 15, 30
A.P.N. 022-480-04, 05, 06, 07, 08, 16, 022-180-35, 50

AIRPORT/MILL SITEMASTE WATER REORGANIZATION
TO THE CITY OF ALTURAS
LAFCO FILE NUMBER 2014-0001

FOR:
CITY OF ALTURAS
BY:



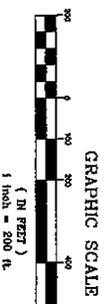
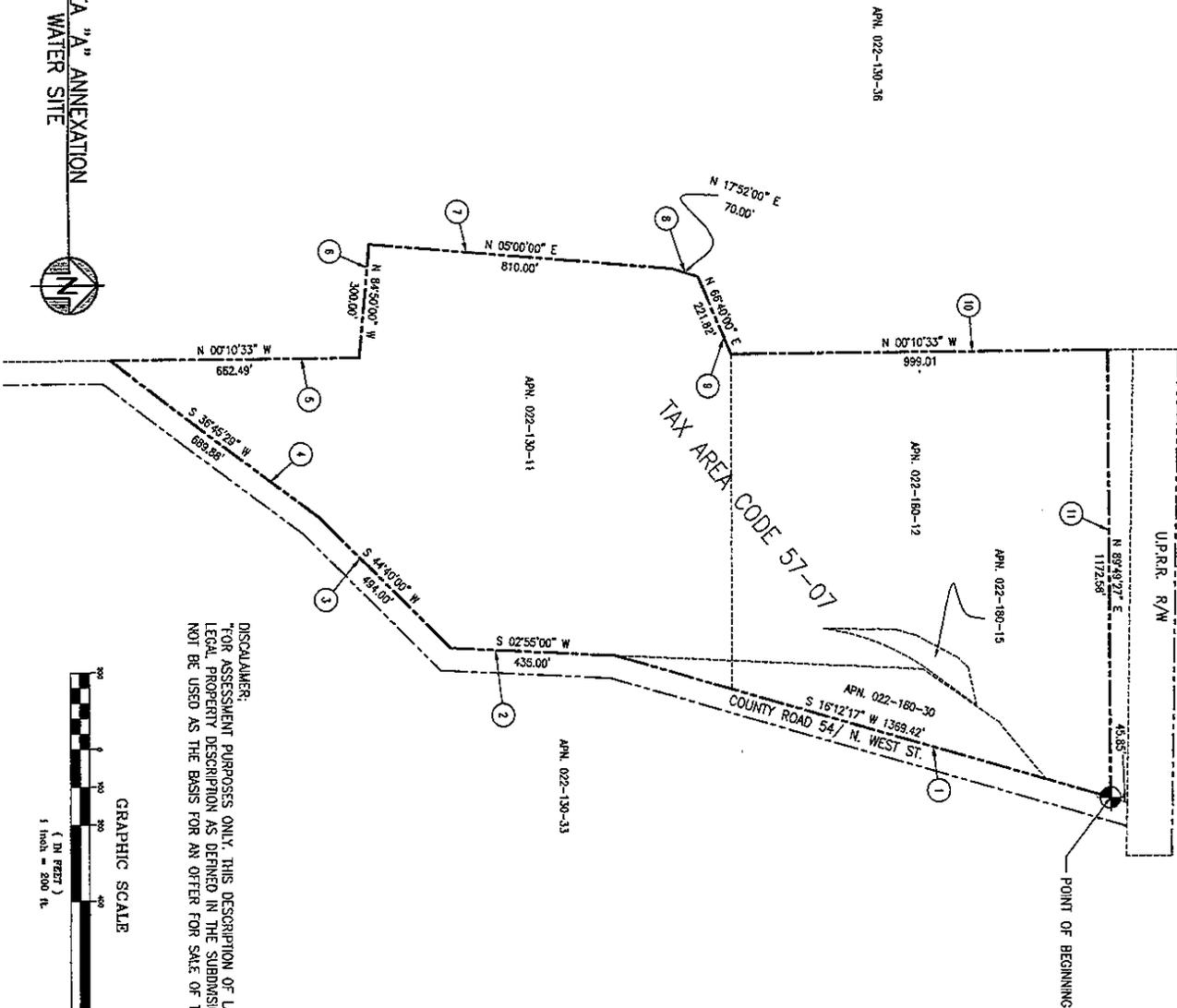
CIVIL • STRUCTURAL • SURVEYING



CITY OF ALTURAS PROPOSED ANNEXATION
LAFCO FILE #2014-0001

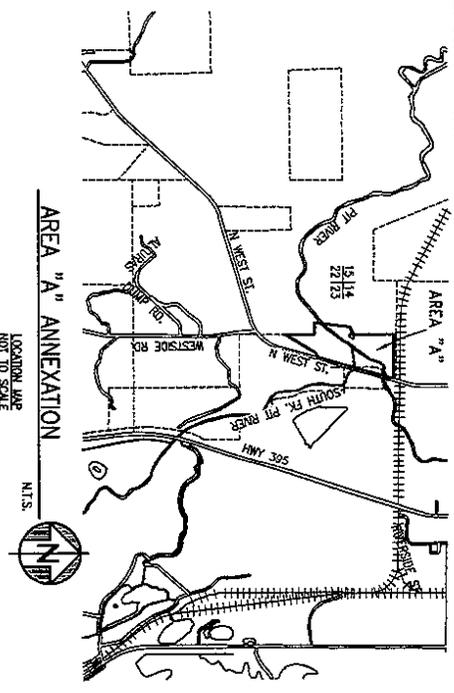
DATE PLOTTED	SCALE	SHEET	TOTAL SHEETS
02/03/14	N.T.S.	10F 3	10,556-B

AREA "A" ANNEXATION
WASTE WATER SITE



DISCLAIMER:
FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A
LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBMISSION MAP ACT AND MAY
NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

- COURSES:
1. S 16°12'17" W 1369.42'
 2. S 02°55'00" W 435.00'
 3. S 44°10'00" W 494.00'
 4. S 36°45'29" W 689.88'
 5. N 00°10'33" W 682.49'
 6. N 84°50'00" W 300.00'
 7. N 05°00'00" E 810.00'
 8. N 17°52'00" E 70.00'
 9. N 85°40'00" E 221.82'
 10. N 00°10'33" W 999.01'
 11. N 89°49'27" E 1172.56'
- GROSS ACRES = 50.11

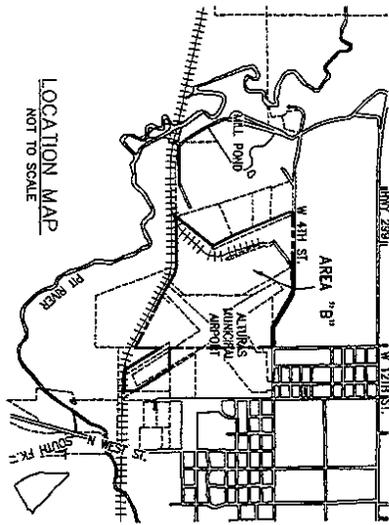
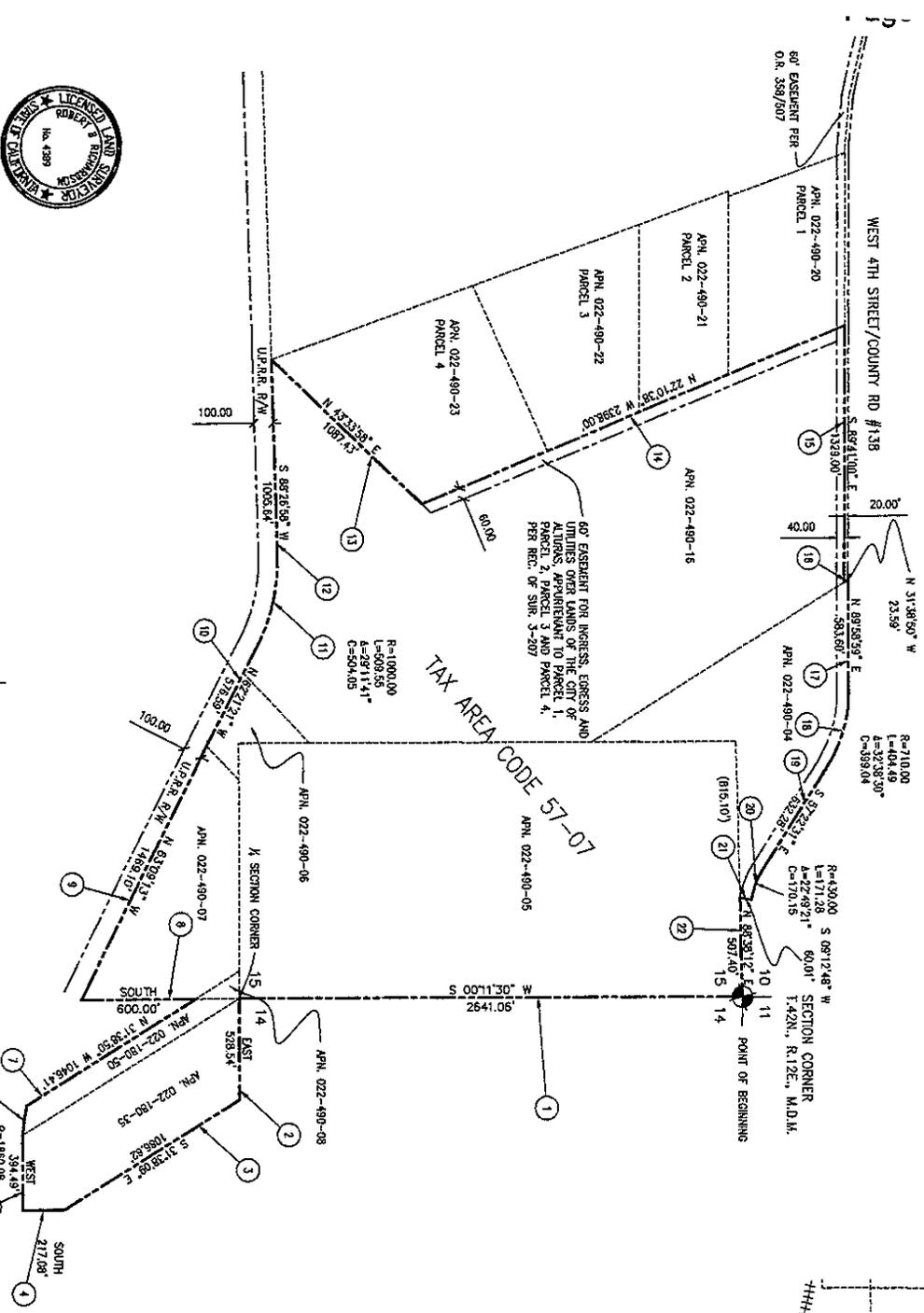


A.P.N. 022-130-11, 022-180-12, 15, 30			
AREA "A"			
AIRPORT/MILL SITEMASTE WATER REORGANIZATION			
TO THE CITY OF ALTURAS			
LAFCO FILE NUMBER 2014-0001			
FOR CITY OF ALTURAS			
BY:			
<p>butler ENGINEERING GROUP CIVIL - STRUCTURAL - SURVEYING</p>		<p>8837 AIRPORT RD. SITE A REDDING, CALIFORNIA 96002 T. 530.222.2211 • F. 530.222.3346 WWW.BUTLERGROUP.ORG</p>	
DATE PLOTTED	SCALE	SHEET	TOTAL SHEETS
02/03/14	1"=200'	2 OF 3	10,566-B

DISCLAIMER:
 FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A
 LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY
 NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.



AREA "B" ANNEXATION
 AIRPORT/MILL SITE



AREA "B" ANNEXATION



COURSES:

1. S 00°11'30" W 2841.06'
2. EAST 528.54'
3. S 31°38'08" E 1098.62'
4. SOUTH 217.08'
5. WEST 394.49'
6. CURVE CONKAVE NORTH D=4451.5' L=184.32' C=154.28 R=1880.08'
7. N 31°38'50" W 1046.41'
8. S040H 860.00'
9. N 63°09'13" W 1469.10'
10. N 62°21'21" W 576.59'
11. CURVE CONKAVE NORTH D=29114.1' L=509.55' C=904.05' R=1000.00'
12. S 88°28'58" W 1005.64'
13. N 45°33'58" E 1087.43'
14. N 22°10'58" W 2398.00'
15. S 89°41'00" E 1329.00'
16. N 81°38'50" W 231.89'
17. N 89°58'59" E 580.65'
18. CURVE CONKAVE SOUTH D=323830" L=404449' C=39904' R=710.00'
19. S 57°23'31" E 632.28'
20. CURVE CONKAVE NORTHWEST D=2249421' L=171.28' C=170.15 R=430.00'
21. S 09°12'48" W 601.01'
22. N 85°38'12" E 507.40'

234.97 ACRES MORE OR LESS

A.P. N. 220-490-04, 05, 06, 07, 08, 16, 022-180-35, 50
 AREA "B"

AIRPORT/MILL SITE/WASTE WATER REORGANIZATION
 TO THE CITY OF ALTURAS
 LAFDO FILE NUMBER 2014-0801
 CITY OF ALTURAS

butler
 ENGINEERING GROUP
 CIVIL • STRUCTURAL • SURVEYING

8837 AIRPORT RD. STE. A
 BEROING, CALIFORNIA 94902
 T. 530.222.5211 • F. 530.228.3345
 WWW.BUTLER-GRP.COM

DATE PLOTTED	SCALE	SHEET	TOTAL SHEETS
02/03/14	1"=400'	3 OF 3	16,558-B

LAFCO FILE NO. 2014-0001
 AIRPORT/MILL SITE WASTEWATER REORGANIZATION
 TO THE CITY OF ALTURAS
GEOGRAPHIC DESCRIPTION
 AREA "A"

ALL THAT CERTAIN REAL PROPERTY, SITUATED IN PORTION OF SECTION 14 AND 23, TOWNSHIP 42 NORTH, RANGE 12 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF MODOC, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY AND THE WEST LINE OF COUNTY ROAD 54 RIGHT OF WAY; THENCE S 16°12'17" W 45.85' TO THE POINT OF BEGINNING.

THENCE, (1) SOUTH 16°12'17" WEST 1369.42 FEET ALONG COUNTY ROAD 54 WESTERLY RIGHT OF WAY;

THENCE, (2) SOUTH 02°55'00" WEST 435.00 FEET ALONG COUNTY ROAD 54 WESTERLY RIGHT OF WAY;

THENCE, (3) SOUTH 44°40'00" WEST 494.00 FEET ALONG COUNTY ROAD 54 WESTERLY RIGHT OF WAY;

THENCE, (4) SOUTH 36°45'29" WEST 689.88 FEET ALONG COUNTY ROAD 54 WESTERLY RIGHT OF WAY;

THENCE, (5) LEAVING COUNTY ROAD 54 RIGHT OF WAY, NORTH 00°10'33" WEST 662.49 FEET;

THENCE, (6) NORTH 84°50'00" WEST 300.00 FEET;

THENCE, (7) NORTH 05°00'00" EAST 810.00 FEET;

THENCE, (8) NORTH 17°52'00" EAST 70.00 FEET;

THENCE, (9) NORTH 66°40'00" EAST 221.82 FEET;

THENCE, (10) NORTH 00°10'33" WEST 999.01 FEET;

THENCE, (11) NORTH 89°49'27" EAST 1172.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 50.11 ACRES OF LAND MORE OR LESS.



 butler ENGINEERING GROUP CIVIL • STRUCTURAL • SURVEYING 8837 AIRPORT ROAD, SUITE A • REDDING, CALIFORNIA 96002 T. 530.222.5211 F. 530.226.3345 WWW.BUTLER-GROUP.ORG	DRAWN BY RGVH	CITY OF ALTURAS ALTURAS CALIFORNIA	1 <small>OF 3 SHEETS</small>
	CHECKED BY KRB		
	DATE ISSUED 02/03/14	PROPOSED REORGANIZATION AREA "A"	

LAFCO FILE NO. 2014-0001
 AIRPORT/MILLSITE/WASTEWATER REORGANIZATION
 TO THE CITY OF ALTURAS
GEOGRAPHIC DESCRIPTION
 AREA "B"

ALL THAT CERTAIN REAL PROPERTY, SITUATED IN PORTION OF SECTION 10, 14 AND 15, TOWNSHIP 42 NORTH, RANGE 12 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF MODOC, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 15;

THENCE, (1) SOUTH 00°11'30" WEST 2641.06 FEET ALONG THE EAST LINE OF SECTION 15 TO THE EAST ONE-QUARTER CORNER OF SECTION 15;

THENCE, (2) EAST 528.54 FEET;

THENCE, (3) SOUTH 31°38'09" EAST 1086.62 FEET;

THENCE, (4) SOUTH 217.08 FEET; TO THE NORTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD.

THENCE, (5) WEST 394.49 FEET ALONG THE NORTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE, (6) ALONG A CONCAVE CURVE TO THE NORTH THE RADIUS POINT OF WHICH BEARS NORTH 4°54'53" EAST, $\Delta=4°45'13"$ C=154.28 L=154.32' R=1860.08';

THENCE, (7) NORTH 31°38'50" WEST 1046.41 FEET, TO A POINT ON THE EAST LINE OF SECTION 15;

THENCE, (8) SOUTH 600.00 FEET ALONG THE EAST "LINE OF SECTION 15 TO A POINT ALONG THE NORTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE, (9) NORTH 63°09'13" WEST 1469.10 FEET ALONG THE NORTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE, (10) NORTH 62°21'21" WEST 576.59 FEET;

THENCE, (11) ALONG A CONCAVE CURVE TO THE SOUTH AND TANGENT TO THE PROCEEDING COURSE $\Delta=29°11'41"$ C=504.05 L=509.55' R=1000.00;

THENCE, (12) SOUTH 88°26'58" WEST 1005.64 FEET ALONG THE NORTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

(CONTINUED ON SHEET 3)

 butler ENGINEERING GROUP CIVIL • STRUCTURAL • SURVEYING 8837 AIRPORT ROAD, SUITE A • REDDING, CALIFORNIA 96002 T. 530.222.5211 F. 530.226.3345 WWW.BUTLER-GROUP.ORG	DRAWN BY	CITY OF ALTURAS	2
	RGVH	ALTURAS CALIFORNIA	OF 3 SHEETS
	CHECKED BY	DATE ISSUED	JOB NUMBER
	KRB	02/03/14	10.556-B
		PROPOSED REORGANIZATION AREA "B"	

LAFCO FILE NO. 2014-0001
 AIRPORT/MILLSITE/WASTEWATER REORGANIZATION
 TO THE CITY OF ALTURAS
GEOGRAPHIC DESCRIPTION

THENCE, (13) LEAVING THE UNION PACIFIC RAILROAD RIGHT OF WAY NORTH 43°33'58" EAST 1087.43 FEET;

THENCE, (14) NORTH 22°10'38" WEST 2398.00 FEET TO A POINT 20.00' SOUTH OF THE NORTH LINE OF WEST 4TH STREET/COUNTY RD. #138;

THENCE, (15) SOUTH 89°41'00" EAST 1329.00 FEET ALONG A LINE 20.00' SOUTH OF THE NORTH LINE OF WEST 4TH STREET/COUNTY RD. #138;

THENCE, (16) NORTH 31°38'50" WEST 23.59 FEET TO THE NORTH LINE WEST 4TH STREET;

THENCE, (17) NORTH 89°58'59" EAST 583.60 FEET ALONG THE NORTH LINE OF WEST 4TH STREET;

THENCE, (18) ALONG A CONCAVE CURVE TO THE SOUTH AND TANGENT TO THE PROCEEDING COURSE
 $\Delta=32^{\circ}38'30"$ $L=404.49$ $C=399.04$ $R=710.00$;

THENCE, (19) SOUTH 57°22'31" EAST 632.28 FEET ALONG THE NORTH LINE OF WEST 4TH STREET;

THENCE, (20) ALONG A CONCAVE CURVE TO THE NORTHEAST AND TANGENT TO THE PROCEEDING COURSE,
 $D=22^{\circ}49'21"$ $L=171.28$ $C=170.15$ $R=430.00$;

THENCE, (21) LEAVING THE NORTH LINE OF WEST 4TH STREET SOUTH 09°12'48" WEST 60.01 FEET TO A POINT ALONG THE NORTH LINE OF SECTION 15;

THENCE, (22) NORTH 88°38'12" EAST 507.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 234.97 ACRES OF LAND MORE OR LESS



 butler ENGINEERING GROUP CIVIL • STRUCTURAL • SURVEYING 8837 AIRPORT ROAD, SUITE A • REDDING, CALIFORNIA 96002 T. 530.222.5211 F. 530.226.3345 WWW.BUTLER-GROUP.ORG	DRAWN BY RGVH	CITY OF ALTURAS ALTURAS CALIFORNIA	3 <small>OF 3 SHEETS</small>
	CHECKED BY KRB		
	DATE ISSUED 02/03/14	PROPOSED REORGANIZATION AREA "B"	

Resolution No. 2015-0001

MODOC LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving A Sphere of Influence Amendment for the City of Alturas to add 22-acres more or less for city owned territory to its Sphere of Influence and to remove 22-acres more or less from the Sphere of Influence of the Alturas Rural Fire Protection District

WHEREAS, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and amend a sphere of influence for each local governmental agency within its jurisdiction; and

WHEREAS, the Modoc Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the City of Alturas and the Alturas Rural Fire Protection District; and

WHEREAS, the Commission has set the hearing date of April 14, 2015, for the Amendment of the sphere of influence for the City of Alturas and the Alturas Rural Fire Protection District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, *et seq.*; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence amendment report and the proposed Sphere of Influence Amendment Map which are attached hereto and incorporated herein; and

WHEREAS, Modoc LAFCO prepared a Notice of Exemption for this action since there is no change in use and this action will result since the purposed of this action is to annex existing public structures allowed by the City of Alturas’s general plan and zoning; and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed sphere of influence Amendment, including, but not limited to, those factors specified in Government Code Section 56425, *et seq.*, and has heard from interested parties and considered requests for amendment and/or revision of the proposed amended sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Modoc Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence amendment with respect to the City of Alturas Wastewater Treatment Plant territory complies with the provisions of Government Code Section 56000, *et seq.*
2. That no significant protests have been received regarding the establishment of this Sphere of Influence amendment.
3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study (Executive Officer’s report for LAFCO file #2011-0003) are attached hereto and incorporated herein.

4. That this Sphere of Influence amendment for the Alturas Rural Fire Protection District is hereby adopted removing 22 acres more or less from the District's Sphere of Influence and concurrently placing the 22 acres more or less into the Sphere of Influence for the City of Alturas.
5. That the Sphere of Influence Amendment Report, Executive Officer's Report dated April 14, 2015, and Map for the City of Alturas's amended Sphere of Influence is hereby adopted and approved adding 22 acres more or less as set forth in Exhibit "A".

PASSED AND ADOPTED at a regular meeting of the Modoc Local Agency Formation Commission on the April 14, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

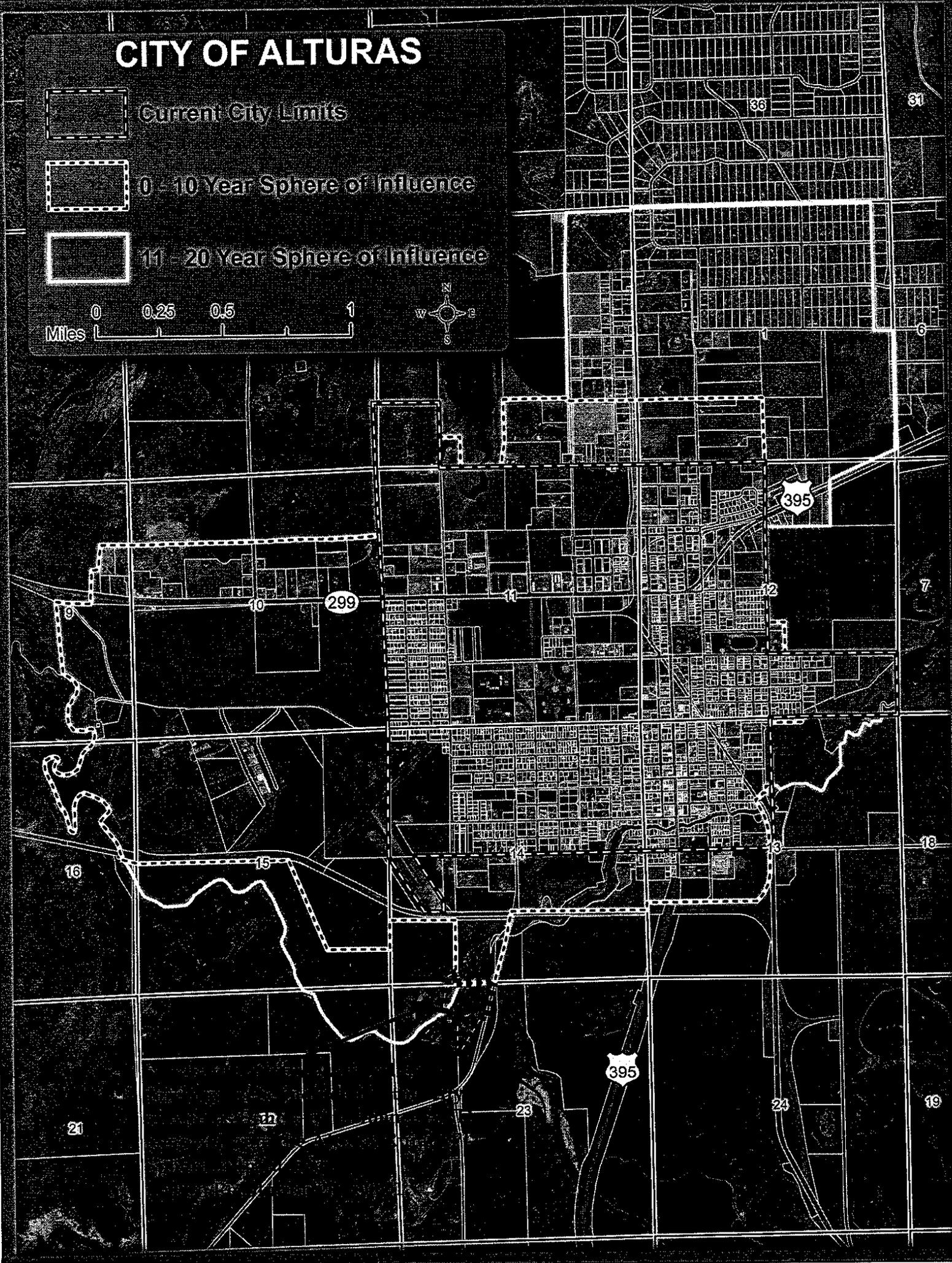
John Dederick, Chair
Modoc Local Agency Formation Commission

Attest:

John Benoit, Executive Officer
Modoc Local Agency Formation Commission

CITY OF ALTURAS

-  Current City Limits
-  0 - 10 Year Sphere of Influence
-  11 - 20 Year Sphere of Influence



Resolution 2015-0002 of the

**Modoc Local Agency Formation Commission
Modoc County, California**

A Resolution Making Determinations and Approving the Detachment of 285 acres from the Alturas Rural Fire Protection District and concurrent Annexation of 285 acres more or less to the City of Alturas

WHEREAS, a Resolution of Application for Annexation of 285 acres more or less to the City of Alturas and Detachment of 285 acres more or less from the Alturas Rural Fire Protection District has been filed with the Executive Officer of the Modoc Local Agency Formation Commission: Modoc County, California; and said application complied with all the requirements of law and the Commission; and,

WHEREAS, the proceedings for this reorganization are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 et seq. of the Government Code; and

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon said application; and

WHEREAS, the Executive Officer has reviewed the application and has prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and

WHEREAS, at a hearing on April 14, 2015, the Commission considered the proposal and the report of the Executive Officer; the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard;

NOW THEREFORE, the Modoc Local Agency Formation Commission does hereby resolve and order the following:

1. The foregoing recitals are true and correct.
2. The territory comprises approximately 285 acres more or less to be detached from the Alturas Rural Fire Protection district and 285 acres more or less to be annexed to the City of Alturas for its Wastewater Treatment Plant on property owned and operated by the City of Alturas.
3. The change of organization is assigned the following distinctive short-term designation:
LAFCO 2014-0001 – City of Alturas Wastewater Plant and Millsite Reorganization
4. The proposal is consistent with the Sphere of Influence of the City of Alturas and the Alturas Rural Fire Protection District, as amended. The Commission has

considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, Sphere of Influence and General Plan consistency, and other factors specified in Government Code Section 56668 and as described in the staff report dated April 14, 2015.

5. The Commission adopts the determinations regarding consistency with LAFCO Policies contained in the staff report for this project and incorporates them by reference herein.
6. The purpose of this reorganization is to bring City and County owned territory into the City of Alturas.
7. In reviewing this application, the Commission finds that all property owners and agencies in said territory have been given notice regarding this change of organization.
8. In reviewing this application, the Commission finds that there will not be a duplication of other powers provided by any other special district since this territory will be detached from the Alturas Rural Fire Protection District.
9. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.
10. The LAFCO Executive Officer's Staff Report including attachments and recommendation for approval of the proposal are hereby incorporated by reference and hereby adopted.
11. The map and boundary description shall comply with the State Board of Equalization requirements. The boundary description and map, if rejected by the State Board of Equalization or amended by LAFCO, will be revised at the expense of the applicant. The applicant shall be responsible for all associated costs. The boundary description and map if amended by action of the Commission will be revised and checked by the Modoc County Surveyor at the expense of the applicant, prior to filing of the Certificate of Completion. The Boundary Description and Map must contain the following corrected information: LAFCO File 2014-0001 Detachment from the Alturas Rural Fire Protection District and Wastewater Plant and Millsite Annexation to the City of Alturas.
12. The boundaries, as set forth in the proposal and amended by action of the Commission, are hereby approved as submitted and are as described in Exhibits "A" Boundary Description and "B" Map attached hereto and by this reference incorporated herein subject to the terms and conditions and corrections included. (This reorganization proposal includes Assessor Parcel's 022-130-011; 22-180-012, 015, and 022-180-030 in located in Area "A", consisting of 50.11 acres more or less of non-contiguous territory and Area B consists of 022-180-03 & 050 and 22-490-004,005,006,007,008, & 016 including 234.97 acres more or less).

13. As stated in the LAFCO Staff Report dated April 14, 2015 be in accordance with Resolutions of the Board of Directors of the Alturas Rural Fire Protection District (Resolution 2015-0001), the City Council of the City of Alturas (Resolution 2015-03) and the Board of Supervisors of the County of Modoc (Modoc County (Resolution 2015-0009) for the territory to be annexed and detached hereto which is attached as Exhibits “C”, “D”, and “E”.
14. Said reorganization territory is found to be uninhabited (less than 12 registered voters).
15. All Modoc County, LAFCO and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of required fees prior to filing the Certificate of Completion for direct payment to the agency by project proponent.
16. Further protest proceedings are waived and the Commission orders the 285-acre more or less detachment from the Alturas Rural Fire Protection District as well as the annexation of 285 acres more or less to the City of Alturas, pursuant to Part 4 commencing with Section 57000. Satisfactory proof has been given that the subject territory is uninhabited, that all landowners (the City of Alturas) within the affected territory have given their written consent to the proposal and all affected agencies have not objected in writing to the waiver of conducting authority proceedings (Section 56663 of Government Code). Therefore, The Commission does hereby approve and authorize the conducting authority to annex and (or) detach the territory described in Exhibits “A” and “B” without notice and election.
17. The Commission hereby adopts Notice of Exemption Class 19 annexations of existing facilities for this reorganization.
18. One reproducible electronic copy of the Metes and Bounds Description and Map in PDF format, five large copies (18” by 24”) and two 8 ½” x 11” reductions of all maps along with five copies of the final LAFCO approved boundary description shall be submitted to LAFCO prior to recordation of the Certificate of Completion.
19. Approval of this change of organization is conditioned upon the applicant’s obligation to defend, indemnify, and hold harmless the Modoc Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney’s fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Modoc Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.

20. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
21. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.
22. Annexation of territory to the City of Alturas and detached from the Alturas Rural Fire Protection District referenced in the Executive Officer’s report dated April 14, 2015 must be recorded concurrently.
23. Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated.

PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Modoc, **on the 14th day of April 2014**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Signed and approved by me after its passage this fourteenth day of April 2015.

John Dederick, Chair – Modoc Local Agency
Formation Commission

Attest:

John Benoit, Executive Officer
Modoc Local Agency Formation Commission

LAFCO FILE NO. 2014-0001
 AIRPORT/MILL SITE WASTEWATER REORGANIZATION
 TO THE CITY OF ALTURAS
GEOGRAPHIC DESCRIPTION
 AREA "A"

ALL THAT CERTAIN REAL PROPERTY, SITUATED IN PORTION OF SECTION 14 AND 23, TOWNSHIP 42 NORTH, RANGE 12 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF MODOC, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY AND THE WEST LINE OF COUNTY ROAD 54 RIGHT OF WAY; THENCE S 16°12'17" W 45.85' TO THE POINT OF BEGINNING.

THENCE, (1) SOUTH 16°12'17" WEST 1369.42 FEET ALONG COUNTY ROAD 54 WESTERLY RIGHT OF WAY;

THENCE, (2) SOUTH 02°55'00" WEST 435.00 FEET ALONG COUNTY ROAD 54 WESTERLY RIGHT OF WAY;

THENCE, (3) SOUTH 44°40'00" WEST 494.00 FEET ALONG COUNTY ROAD 54 WESTERLY RIGHT OF WAY;

THENCE, (4) SOUTH 36°45'29" WEST 689.88 FEET ALONG COUNTY ROAD 54 WESTERLY RIGHT OF WAY;

THENCE, (5) LEAVING COUNTY ROAD 54 RIGHT OF WAY, NORTH 00°10'33" WEST 662.49 FEET;

THENCE, (6) NORTH 84°50'00" WEST 300.00 FEET;

THENCE, (7) NORTH 05°00'00" EAST 810.00 FEET;

THENCE, (8) NORTH 17°52'00" EAST 70.00 FEET;

THENCE, (9) NORTH 66°40'00" EAST 221.82 FEET;

THENCE, (10) NORTH 00°10'33" WEST 999.01 FEET;

THENCE, (11) NORTH 89°49'27" EAST 1172.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 50.11 ACRES OF LAND MORE OR LESS.



 butler ENGINEERING GROUP CIVIL • STRUCTURAL • SURVEYING 8837 AIRPORT ROAD, SUITE A • REDDING, CALIFORNIA 96002 T. 530.222.5211 F. 530.226.3345 WWW.BUTLER-GROUP.ORG	DRAWN BY RGVH	CITY OF ALTURAS	1
	CHECKED BY KRB		
	DATE ISSUED 02/03/14	PROPOSED REORGANIZATION AREA "A"	JOB NUMBER 10.556-B

LAFCO FILE NO. 2014-0001
 AIRPORT/MILLSITE/WASTEWATER REORGANIZATION
 TO THE CITY OF ALTURAS
GEOGRAPHIC DESCRIPTION
 AREA "B"

ALL THAT CERTAIN REAL PROPERTY, SITUATED IN PORTION OF SECTION 10, 14 AND 15, TOWNSHIP 42 NORTH, RANGE 12 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF MODOC, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 15;

THENCE, (1) SOUTH 00°11'30" WEST 2641.06 FEET ALONG THE EAST LINE OF SECTION 15 TO THE EAST ONE-QUARTER CORNER OF SECTION 15;

THENCE, (2) EAST 528.54 FEET;

THENCE, (3) SOUTH 31°38'09" EAST 1086.62 FEET;

THENCE, (4) SOUTH 217.08 FEET; TO THE NORTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD.

THENCE, (5) WEST 394.49 FEET ALONG THE NORTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE, (6) ALONG A CONCAVE CURVE TO THE NORTH THE RADIUS POINT OF WHICH BEARS NORTH 4°54'53" EAST, $\Delta=4°45'13"$ C=154.28 L=154.32' R=1860.08';

THENCE, (7) NORTH 31°38'50" WEST 1046.41 FEET, TO A POINT ON THE EAST LINE OF SECTION 15;

THENCE, (8) SOUTH 600.00 FEET ALONG THE EAST "LINE OF SECTION 15 TO A POINT ALONG THE NORTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE, (9) NORTH 63°09'13" WEST 1469.10 FEET ALONG THE NORTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE, (10) NORTH 62°21'21" WEST 576.59 FEET;

THENCE, (11) ALONG A CONCAVE CURVE TO THE SOUTH AND TANGENT TO THE PROCEEDING COURSE $\Delta=29°11'41"$ C=504.05 L=509.55' R=1000.00;

THENCE, (12) SOUTH 88°26'58" WEST 1005.64 FEET ALONG THE NORTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

(CONTINUED ON SHEET 3)

 <p>butler ENGINEERING GROUP CIVIL • STRUCTURAL • SURVEYING</p> <p>8837 AIRPORT ROAD, SUITE A • REDDING, CALIFORNIA 96002 T. 530.222.5211 F. 530.226.3345 WWW.BUTLER-GROUP.ORG</p>	DRAWN BY RGVH	CITY OF ALTURAS	2
	CHECKED BY KRB	ALTURAS CALIFORNIA	
	DATE ISSUED 02/03/14	PROPOSED REORGANIZATION AREA "B"	

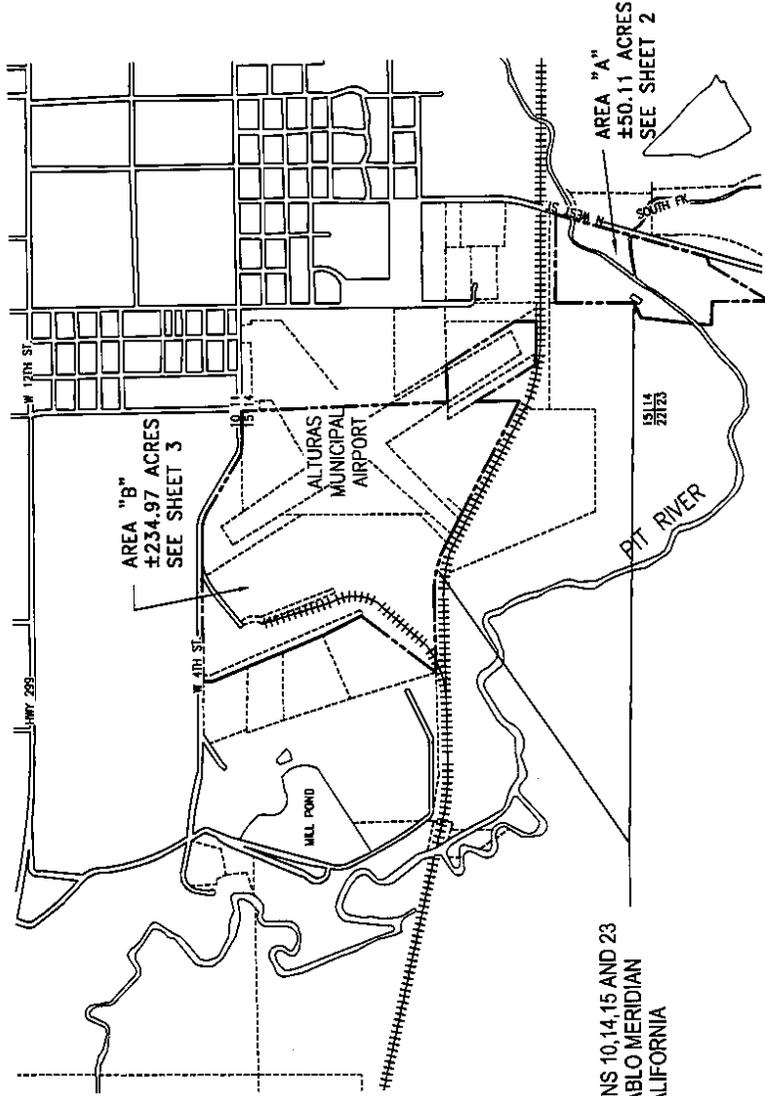
LAFCO FILE NO. 2014-0001
 AIRPORT/MILLSITE/WASTEWATER REORGANIZATION
 TO THE CITY OF ALTURAS
GEOGRAPHIC DESCRIPTION

THENCE, (13) LEAVING THE UNION PACIFIC RAILROAD RIGHT OF WAY NORTH 43°33'58" EAST 1087.43 FEET;
 THENCE, (14) NORTH 22°10'38" WEST 2398.00 FEET TO A POINT 20.00' SOUTH OF THE NORTH LINE OF WEST 4TH STREET/COUNTY RD. #138;
 THENCE, (15) SOUTH 89°41'00" EAST 1329.00 FEET ALONG A LINE 20.00' SOUTH OF THE NORTH LINE OF WEST 4TH STREET/COUNTY RD. #138;
 THENCE, (16) NORTH 31°38'50" WEST 23.59 FEET TO THE NORTH LINE WEST 4TH STREET;
 THENCE, (17) NORTH 89°58'59" EAST 583.60 FEET ALONG THE NORTH LINE OF WEST 4TH STREET;
 THENCE, (18) ALONG A CONCAVE CURVE TO THE SOUTH AND TANGENT TO THE PROCEEDING COURSE
 $\Delta=32^{\circ}38'30"$ $L=404.49$ $C=399.04$ $R=710.00$;
 THENCE, (19) SOUTH 57°22'31" EAST 632.28 FEET ALONG THE NORTH LINE OF WEST 4TH STREET;
 THENCE, (20) ALONG A CONCAVE CURVE TO THE NORTHEAST AND TANGENT TO THE PROCEEDING COURSE,
 $D=22^{\circ}49'21"$ $L=171.28$ $C=170.15$ $R=430.00$;
 THENCE, (21) LEAVING THE NORTH LINE OF WEST 4TH STREET SOUTH 09°12'48" WEST 60.01 FEET TO A POINT ALONG THE NORTH LINE OF SECTION 15;
 THENCE, (22) NORTH 88°38'12" EAST 507.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 234.97 ACRES OF LAND MORE OR LESS



 butler ENGINEERING GROUP CIVIL • STRUCTURAL • SURVEYING 8837 AIRPORT ROAD, SUITE A • REDDING, CALIFORNIA 96002 T. 530.222.5211 F. 530.226.3345 WWW.BUTLER-GROUP.ORG	DRAWN BY RGVH	CITY OF ALTURAS ALTURAS CALIFORNIA	3 OF 3 SHEETS JOB NUMBER 10.556-B
	CHECKED BY KRB		
	DATE ISSUED 02/03/14	PROPOSED REORGANIZATION AREA "B"	

PUBLIC FACILITIES MODOC COUNTY CALIFORNIA



BEING A PORTION OF SECTIONS 10, 14, 15 AND 23
T. 42N., R. 12E., MOUNT DIABLO MERIDIAN
MODOC COUNTY, CALIFORNIA



DISCLAIMER:
FOR ASSURANCE PURPOSES ONLY, THIS DESCRIPTION OF LAND IS NOT A
LEGAL DESCRIPTION AS DEFINED IN THE SURVEYOR MAP ACT, AND MAY
NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED

AREA "A"

ASSESSOR PARCEL MAP NUMBERS

1. 022-130-11
2. 072-180-12
3. 022-180-15
4. 022-180-30

AREA "B"

ASSESSOR PARCEL MAP NUMBERS

1. 022-490-04
2. 022-490-05
3. 022-490-06
4. 022-490-07
5. 022-490-08
6. 022-490-16
7. 022-180-35
8. 022-180-50

GROSS ACRES = 285.08

A.P.N. 022-130-11, 022-180-12, 15, 30
A.P.N. 022-490-04, 05, 06, 07, 08, 16, 022-180-35, 50

AIRPORT/MILL SITE/WASTE WATER REORGANIZATION
TO THE CITY OF ALTURAS
LAFCO FILE NUMBER 2014-0001

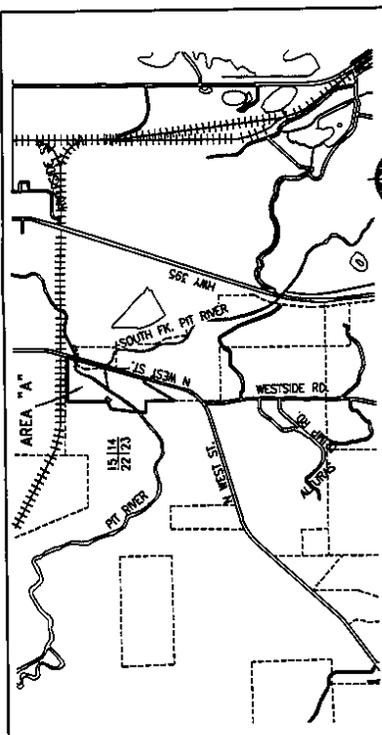
CITY OF ALTURAS

butler
ENGINEERING GROUP
CIVIL • STRUCTURAL • SURVEYING

8837 AIRPORT RD. STE. A
REDDING, CALIFORNIA 96002
T. 530.222.8211 • F. 530.226.3445
WWW.BUTLER-GRP.COM

CITY OF ALTURAS PROPOSED ANNEXATION
LAFCO FILE #2014-0001

DATE	02/03/14	BY	N.T.S.	SCALE	1 OF 3	SHEET NUMBER	10,556-B
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AREA "A" ANNEXATION

LOCATION MAP
NOT TO SCALE



COURSES:

1. S 16°12'77" W 1369.42'
 2. S 02°55'00" W 435.00'
 3. S 44°40'00" W 494.00'
 4. S 36°45'29" W 699.98'
 5. N 00°10'33" W 662.49'
 6. N 84°50'00" W 300.00'
 7. N 05°00'00" E 810.00'
 8. N 17°32'00" E 70.00'
 9. N 65°40'00" E 231.82'
 10. N 00°10'33" W 999.01'
 11. N 89°49'27" E 1172.56'
- GROSS ACRES = 50.11



A.P.N. 022-130-11, 022-180-12, 15, 30
AREA "A"

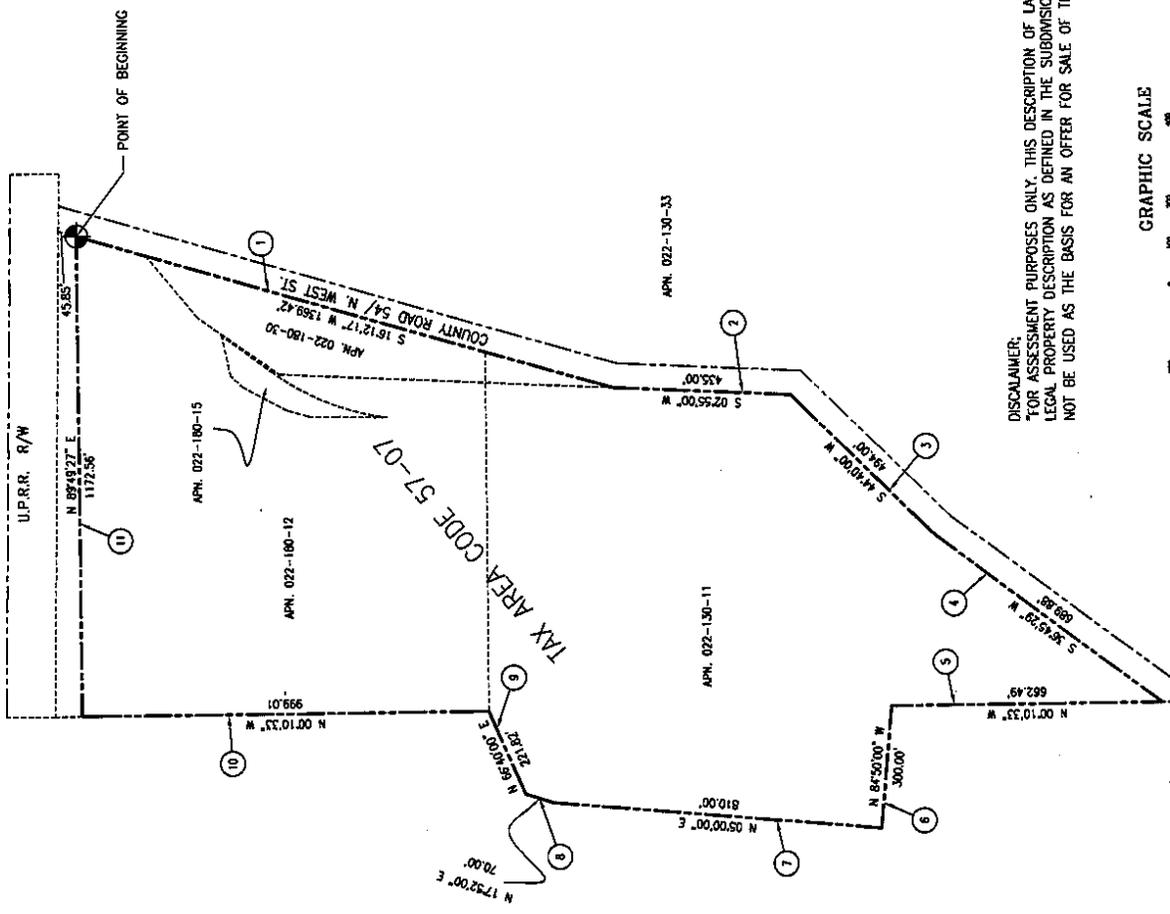
AIRPORTMILL SITEMWASTE WATER REORGANIZATION
TO THE CITY OF ALTURAS
LAFCO FILE NUMBER 2014-0001

CITY OF ALTURAS



8837 AIRPORT RD. STE. A
REDDING, CALIFORNIA 96002
T. 530.222.5211 • F. 530.226.3345
WWW.BUTLER-GROUP.ORG

DATE: 02/03/14
SCALE: 1"=200'
SHEET: 2 OF 3
JOB NO.: 10.556-B

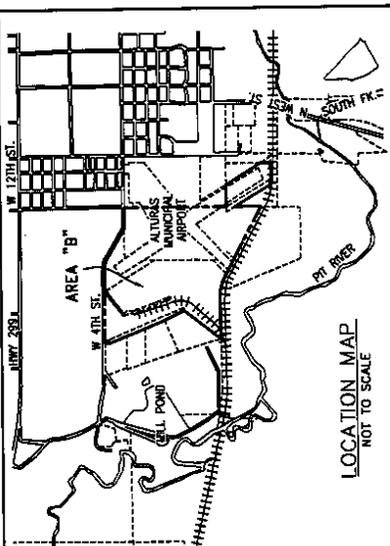


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LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY
NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED"

GRAPHIC SCALE



**AREA "A" ANNEXATION
WASTE WATER SITE**



AREA "B" ANNEXATION

PROPOSED BOUNDARY
EXISTING BOUNDARY

COURSES:

1. S 00°11'30" W 2641.06'
2. EAST 528.54'
3. S 31°38'09" E 1086.82'
4. SOUTH 217.08'
5. WEST 394.49'
6. CURVE CONCAVE NORTH D=4°51'13" L=154.32' C=154.28' R=1860.08'
7. N 31°38'50" W 1046.41'
8. SOUTH 600.00'
9. N 63°08'13" W 1469.10'
10. N 62°21'21" W 576.59'
11. CURVE CONCAVE NORTH D=29°11'41" L=509.55' C=504.05' R=1000.00'
12. S 88°26'58" W 1005.64'
13. N 43°33'58" E 1087.43'
14. N 22°10'38" W 2398.00'
15. S 89°41'00" E 1329.00'
16. N 31°38'50" W 1329.00'
17. N 87°28'59" E 583.60'
18. CURVE CONCAVE SOUTH D=32°38'30" L=404.49' C=399.04' R=710.00'
19. S 57°22'31" E 632.28'
20. CURVE CONCAVE NORTHEAST D=22°49'21" L=171.28' C=170.15' R=430.00'
21. S 09°12'48" W 60.01'
22. N 88°38'12" E 507.40'

234.97 ACRES MORE OR LESS

A.P.N. 220-490-04, 05, 06, 07, 08, 16, 022-180-35, 50

AREA "B"

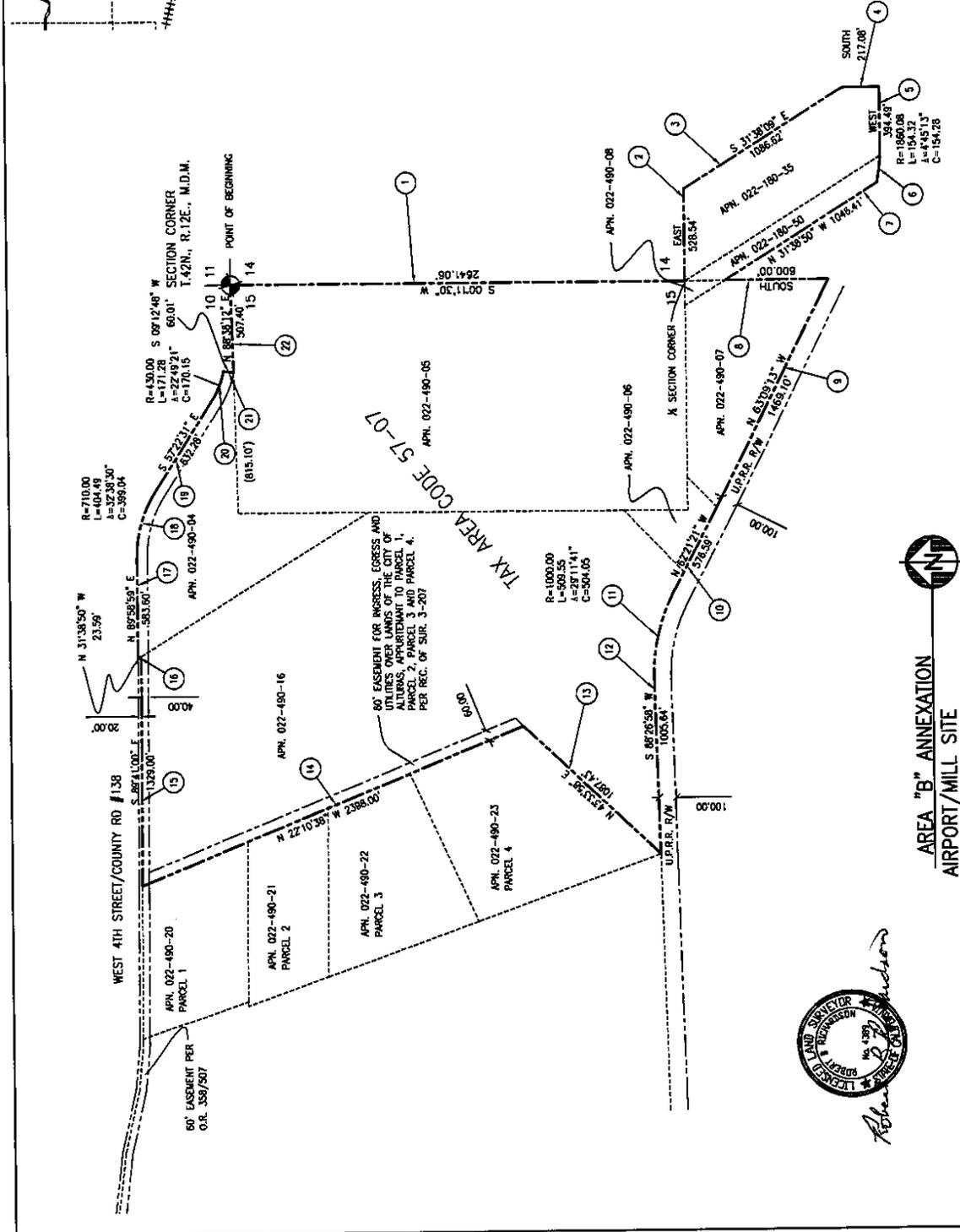
AIRPORT/MILL SITEMASTE WATER REORGANIZATION
TO THE CITY OF ALTURAS
FOR
LAFCO FILE NUMBER 2014-0001

CITY OF ALTURAS

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T: 530.222.5211 • F: 530.228.3345
WWW.BUTLER-GRP.COM

DATE	SCALE	SHEET	TOTAL SHEETS
02/03/14	1"=400'	3 OF 3	10,556-B



Robert J. Anderson

DISCLAIMER:
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."

BEFORE THE BOARD OF COMMISSIONERS
ALTURAS RURAL FIRE PROTECTION DISTRICT

FILE COPY

IN RE:

RESOLUTION APPROVING AND
AGREEING TO THE NEGOTIATED
EXCHANGE OF PROPERTY TAX
REVENUES FOR CITY OF ALTURAS
ANNEXATION (2014-0001) OF THE
AIRPORT, MILLSITE AND WWTP

RESOLUTION NO.

WHEREAS, Pursuant to Chapter 6 of Part 0.5 of the Revenue and Taxation Code (commencing with Section 95), in order for a jurisdictional change to become final, the governing boards of affected local agencies must negotiate and reach an agreement regarding the distribution of property tax revenues from within the affected areas; and

WHEREAS, Revenue and Taxation Code Section 99.1 provides special rules in the case of a jurisdictional change which will result in a special district providing one or more services to an area where such services have not previously been provided by an local agency; and

WHEREAS, the City of Alturas is currently considering or processing the annexation of territory described on Exhibit "A" attached hereto, and by this reference incorporated herein; and

WHEREAS, the subject annexation is a jurisdictional change which falls within Revenue and Taxation Code Section 99.1; and

WHEREAS, pursuant to Revenue and Taxation Code 99.1, the exchange of property tax revenues among the affected local agencies shall be limited to property tax revenue from the annual tax increment generated in the affected area subject to the jurisdictional change and attributable to such local agencies;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Alturas Rural Fire Protection District that the exchange of property tax revenue for the subject annexation shall be as follows:

There will be a property tax exchange of 0.03905022% in Tax Rate Area 057-007 from Alturas Rural Fire Protection District to the City of Alturas as the territory being annexed to the City of Alturas shall be apportioned any of the annual tax

FILE COPY

increment generated in the area subject to the annexation and the fire protection for said area will then be the responsibility of the City of Alturas.

PASSED AND ADOPTED at a regular meeting of the Board of Commissioners of the Alturas Rural Fire Protection District on the 15 day of January, 2014, by the following vote: 5

AYES: 4

NOES: 0

ABSENT: 1

Wally Dwyer
CHAIRMAN

ATTEST:

Dennis Hickey
SECRETARY

CITY OF ALTURAS
CITY RESOLUTION NO #2015-03

A RESOLUTION OF THE CITY OF ALTURAS PERTAINING TO THE TAX REVENUE EXCHANGE BETWEEN THE COUNTY OF MODOC, THE CITY OF ALTURAS AND THE ALTURAS RURAL FIRE PROTECTION DISTRICT (DETACHMENT OF TERRITORY FROM THE ALTURAS RURAL FIRE PROTECTION DISTRICT) FOR THE ALTURAS AIRPORT, MILLSITE AND WASTEWATER TREATMENT PLANT REORGANIZATION (LAFCO FILE 2014-0001)

WHEREAS, under the provisions of Proposition 13 adopted in 1978, the distribution of property taxes within each county became the responsibility of the County Board of Supervisors; and

WHEREAS, Proposition 13 failed to make any provision for the redistribution of these taxes, as a result of reorganization of the cities and districts within the County; and

WHEREAS, Revenue and Taxation Code Section 99(b) designates the Modoc County Board of Supervisors as the agency responsible for deciding what sort of property tax revenue exchanges should occur in the case of special district annexations and detachments with the County including the detachment territory from the Alturas Rural Fire Protection District; and

WHEREAS, The California Legislature through the adoption of AB-8 (Long Term Financing of Local Government) did prescribe that before any reorganization of boundaries can be completed, that the governing boards of local entities shall negotiate and reach an agreement with the County Board of Supervisors, for the distribution of property taxes from within the areas affected; and

WHEREAS, The City of Alturas City Council and the Modoc County Board of Supervisors have negotiated on the tax distribution within the areas defined as "Uninhabited Territory Annexations" pursuant to Section 99 of the Revenue and Taxation Code.

WHEREAS, Section 99 of the Revenue and Taxation Code requires, before the LAFCo Executive Officer issues a certificate of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

WHEREAS, a proposal has been filed with the LAFCo Executive Officer to annex 285 acres to the City of Alturas and to detach 285 acres of unincorporated territory within Modoc County from the Alturas Rural Fire Protection District – LAFCo Project 2014-0001 City of Alturas Airport, Millsite and WWTP Reorganization; and

WHEREAS, negotiations have been held between the County of Modoc, the City of Alturas and the Alturas Rural Fire Protection District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alturas and the Modoc County Board of Supervisors do agree that the formula to be used for the distribution of property taxes upon finalization of this reorganization (LAFCo Project 2014-0001) shall be based upon:

1. Property tax revenues attributable to the Reorganization Territory shall be in accordance with the provisions set forth in this joint resolution;
2. The Exchange of property taxes shall be effective beginning any roll year only if this jurisdictional change has been completed and acknowledged by the State Board of Equalization prior to December 1st of the preceding year;
3. For the this reorganization, the City will assume responsibility for fire and police protection services, road maintenance as well as all other services the city normally provides to territory within its incorporated limits. Subsequently, the entire share of the property tax revenue increment, attributable to the County of Modoc and the Alturas Rural Fire Protection District shall be distributed to the City of Alturas in the same manner as in the tax rate area (TRA # 001-000) within the current City limits of the City of Alturas.
4. There shall be no exchange in base tax revenues;
5. Property taxes (both base on increment) for other local taxing agencies shall not be changed as a result of this reorganization;

AND ORDERED as follows:

1. This determination is made without prejudice to any future jurisdictional changes and does not establish a precedent for making future determinations pursuant to Section 99 of the revenue and taxation code.
2. The City Clerk and the County Clerk to the Board are directed to file a certified copy of this resolution to the Modoc Local Agency Formation Commission, the County Administrative Office, the Auditor of the County of Modoc, and the Alturas Rural Fire Protection District.
3. Upon completion of the LAFCo proceedings, the Modoc County Auditor-Controller is hereby directed to distribute the property tax revenues for taxing agencies within the reorganization area in accordance with this resolution.

PASSED AND ADOPTED by the City Council of the City of Alturas at a regular meeting held on the 17th day of February, 2015, by the following vote:

AYES: Councilmembers: John E. Dederick, Bobby Ray, Mark Steffek,
Jim Irvin, Cheryl Nelson

NOES: None

ABSENT: None

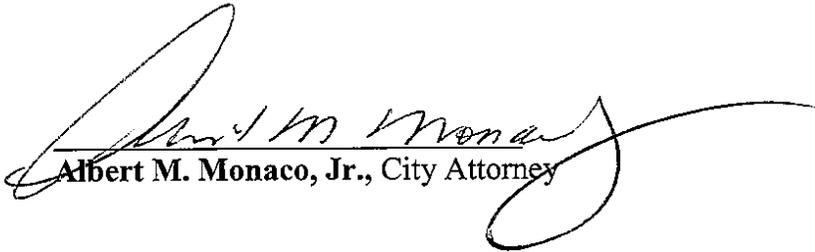
ABSTAIN: None

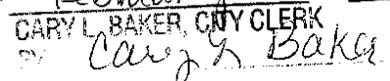

JOHN E. DEDERICK, Mayor

ATTEST:


CARY L. BAKER, City Clerk

APPROVED AS TO FORM:


Albert M. Monaco, Jr., City Attorney

ss
CITY OF ALTURAS
I, CARY L. BAKER, CITY CLERK DO HEREBY CERTIFY
THAT THIS IS A FULL, TRUE AND CORRECT COPY OF
THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE.
WITNESS MY HAND AND OFFICIAL SEAL THIS
17th DAY OF February 20 15
CARY L. BAKER, CITY CLERK


**MODOC COUNTY
BOARD OF SUPERVISORS
RESOLUTION NO. 2015-09**

**A RESOLUTION OF THE COUNTY OF MODOC PERTAINING TO THE TAX
REVENUE EXCHANGE BETWEEN THE COUNTY OF MODOC, THE CITY OF
ALTURAS AND THE ALTURAS RURAL FIRE PROTECTION DISTRICT
(DETACHMENT OF TERRITORY FROM THE ALTURAS RURAL FIRE
PROTECTION DISTRICT) FOR THE ALTURAS AIRPORT, MILLSITE AND
WASTEWATER TREATMENT PLANT REORGANIZATION (LAFCO FILE 2014-
0001)**

WHEREAS, under the provisions of Proposition 13 adopted in 1978, the distribution of property taxes within each county became the responsibility of the County Board of Supervisors; and

WHEREAS, Proposition 13 failed to make any provision for the redistribution of these taxes, as a result of reorganization of the cities and districts within the County; and

WHEREAS, Revenue and Taxation Code Section 99(b) designates the Modoc County Board of Supervisors as the agency responsible for deciding what sort of property tax revenue exchanges should occur in the case of special district annexations and detachments with the County including the detachment territory from the Alturas Rural Fire Protection District; and

WHEREAS, The California Legislature through the adoption of AB-8 (Long Term Financing of Local Government) did prescribe that before any reorganization of boundaries can be completed, that the governing boards of local entities shall negotiate and reach an agreement with the County Board of Supervisors, for the distribution of property taxes from within the areas affected; and

WHEREAS, The City of Alturas City Council and the Modoc County Board of Supervisors have negotiated on the tax distribution within the areas defined as "Uninhabited Territory Annexations" pursuant to Section 99 of the Revenue and Taxation Code.

WHEREAS, Section 99 of the Revenue and Taxation Code requires, before the LAFCo Executive Officer issues a certificate of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

WHEREAS, a proposal has been filed with the LAFCo Executive Officer to annex 285 acres to the City of Alturas and to detach 285 acres of unincorporated territory within Modoc County from the Alturas Rural Fire Protection District – LAFCo Project 2014-0001 City of Alturas Airport, Millsite and WWTP Reorganization; and

WHEREAS, negotiations have been held between the County of Modoc, the City of Alturas and the Alturas Rural Fire Protection District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alturas and the Modoc County Board of Supervisors do agree that the formula to be used for the distribution of property taxes upon finalization of this reorganization (LAFCo Project 2014-0001) shall be based upon:

1. Property tax revenues attributable to the Reorganization Territory shall be in accordance with the provisions set forth in this joint resolution;
2. The Exchange of property taxes shall be effective beginning any roll year only if this jurisdictional change has been completed and acknowledged by the State Board of Equalization prior to December 1st of the preceding year;
3. For the this reorganization, the City will assume responsibility for fire and police protection services, road maintenance as well as all other services the city normally provides to territory within its incorporated limits. Subsequently, the entire share of the property tax revenue increment, attributable to the County of Modoc and the Alturas Rural Fire Protection District shall be distributed to the City of Alturas in the same manner as in the tax rate area (TRA # 001-000) within the current City limits of the City of Alturas.
4. There shall be no exchange in base tax revenues;
5. Property taxes (both base on increment) for other local taxing agencies shall not be changed as a result of this reorganization;

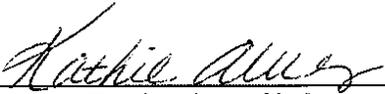
AND ORDERED as follows:

1. This determination is made without prejudice to any future jurisdictional changes and does not establish a precedent for making future determinations pursuant to Section 99 of the revenue and taxation code.
2. The City Clerk and County Clerk to the Board are directed to file a certified copy of this resolution to the Modoc Local Agency Formation Commission, the County Administrative Office, the Auditor of the County of Modoc, the Alturas Rural Fire Protection District and the City of Alturas.
3. Upon completion of the LAFCo proceedings, the Modoc County Auditor-Controller is hereby directed to distribute the property tax revenues for taxing agencies within the reorganization area in accordance with this resolution.

The foregoing property tax revenue exchange resolution was passed and adopted at a Regular meeting of the Board of Supervisors of the County of Modoc held on the 27th day of January, 2015, by the following vote:

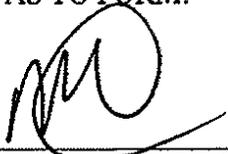
AYES: Supervisors Allan, Alves, Wills & Byrne (D.II vacant)
NOES: None.
ABSENT: None.
ABSTAIN: None.




Kathie Alves, Chairman
Modoc County Board of Supervisors

ATTEST: 
Amber M. Mason, Deputy Clerk to the Board of Supervisors

APPROVED AS TO FORM:


Margaret Long, County Counsel

200 W. North St.
Alturas, CA 96101-2938

Attachment #4

City of Alturas
Incorporated September 16, 1901
Modoc County

FILED
(530) 233-2572
Fax (530) 233-3559
MAY 2 2013
DARCY M. LOCKEN COUNTY CLERK
BY *[Signature]* DEPUTY

Planning Division, Department of Public Works

NOTICE OF EXEMPTION

Project Title: City of Alturas Sphere of Influence Pre-Zoning
Project Applicant: City of Alturas

Project Location: Various (see attached list of Assessor Parcel Numbers)

Description of Project: Pre-Zoning of properties identified above

Lead Agency: City of Alturas

Lead Agency Contact Person: Joe Picotte, Director, Department of Public Works

Phone Number: (530) 233-2377

Reasons Why the Project is Exempt: The project meets the following requirements of this class. That is:

1. All properties are in areas with an average slope of less than 20%, and
2. The minor alterations in land use limitations caused by this action will not result in any significant changes in land use or density.

Exemption Status:

- Ministerial (Section 21080.b.1; 15268)
- Declared Emergency (Section 21080.b.3; 15269.a)
- Emergency Project (Section 21080.b.4; 15269.b.c)
- Categorical Exemption: Class 5, Section 15305 (Minor Alterations in Land Use Limitations)**
- Statutory Exemption:

Signature: *[Signature]*
Joe Picotte, Director, Department of Public Works

Date: 4-25-14

Signed by Lead Agency

Signed by Applicant

AFFIDAVIT OF FILING AND POSTING

I declare that on 5/2/2013, I received and posted this notice as required by Section 21092.3 of the California Public Resources Code. Said notice will remain posted for 30 days from the filing date.

[Signature]
County Clerk - copy city

ORDINANCE NO. 496

**AN ORDINANCE OF THE CITY OF ALTURAS AMENDING SECTION 28-5
OF THE CITY OF ALTURAS ZONING ORDINANCE NO. 301
PRE-ZONING CERTAIN PUBLICLY OWNED PROPERTIES
INSIDE THE CITY'S SPHERE OF INFLUENCE**

WHEREAS, the proposed Zoning Ordinance Amendment would pre-zone certain publicly owned properties in accordance with the approved General Plan; and

WHEREAS, said pre-zoning is required to allow the annexation of said properties to the City to provide for the orderly expansion and provision of Airport and Sewer services as well as improve the economic vitality of the area; and

WHEREAS, a noticed public hearing was held by the Planning Commission on February 27, 2013 to consider and discuss the proposed Ordinance Amendment; and

WHEREAS, a "List of Affected Properties" is attached hereto as Exhibit A, and includes the Proposed Districts (Zones) recommended for adoption for each Parcel by Assessor Parcel Number (APN) and maps showing the location of each property (parcel); and

WHEREAS, the Planning Commission considered the merits of this Ordinance Amendment, and its effect on the General Plan, as well as the health, safety, and welfare of the Citizens of Alturas and Modoc County; and

WHEREAS, the Planning Commission concurred with staff's evaluation that the pre-zoning of said properties is Categorically Exempt from the California Environmental Quality Act under Class 5, Section 15305 (Minor Alterations in Land Use Limitations); and

WHEREAS, the Planning Commission found the pre-zoning proposed is in conformance with the City of Alturas General Plan Land Use Designations for the properties; and

WHEREAS, the Planning Commission recommended adoption of the ordinance by the City Council in Planning Resolution 2013-01; and

WHEREAS, the City Council held a noticed public hearing on April 23, 2013 to consider and discuss the proposed Ordinance Amendment; and

WHEREAS, the City Council concurred with the findings and recommendations of the Planning Commission; and

NOW THEREFORE, the City Council of the City of Alturas does **ORDAIN** as follows:

SECTION 1. AMENDMENT OF ZONING ORDINANCE. Section 28-5 of The City of Alturas Zoning Ordinance No. 301, is amended to include the Assessor Parcel Numbers (APNs) shown in Exhibit A with the zoning indicated in Exhibit A.

SECTION 2. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Alturas hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect on June 1, 2013. The title thereof shall be published once and a complete copy thereof shall be posted on the City Council Chamber bulletin board for five (5) days prior to its second reading by the City Council.

PASSED AND ADOPTED by the City Council of the City of Alturas at the regular meeting thereof on the 14 day of May, 2013, by the following vote:

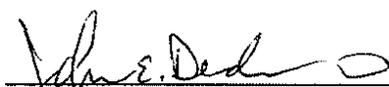
AYES: Councilmembers: John E. Dederick, Bobby Ray, Keith Jacques,
Jim Irvin, Cheryl Nelson

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:



JOHN E. DEDERICK, Mayor



CARY L. BAKER, City Clerk

Exhibit A
(includes two attached maps showing location of parcels)

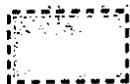
LIST OF AFFECTED PROPERTIES

Parcel	APN	Owner	Acreage	Current Use	Proposed Zone
A	022-130-11	City	22	Sewage Treatment	Agriculture
B	022-180-12	City	24	Sewage Treatment	Agriculture
C	022-180-15	County	0.5	Sewage Treatment	Agriculture
D	022-180-30	County	6	Sewage Treatment	Agriculture
E	022-180-35	City	14.5	Airport	Industrial
F	022-180-50	County	3.28	Airport	Industrial
G	022-490-04	County	18.41	Airport	Industrial
H	022-490-05	City	80	Airport	Industrial
I	022-490-06	County	2.58	Airport	Industrial
J	022-490-07	County	14.5	Airport	Industrial
K	022-490-08	County	0.5	Airport	Industrial
L	022-490-16	City	103	Old Mill Site	Industrial
Total Acreage			289	(approx)	

CITY OF ALBUQUERQUE

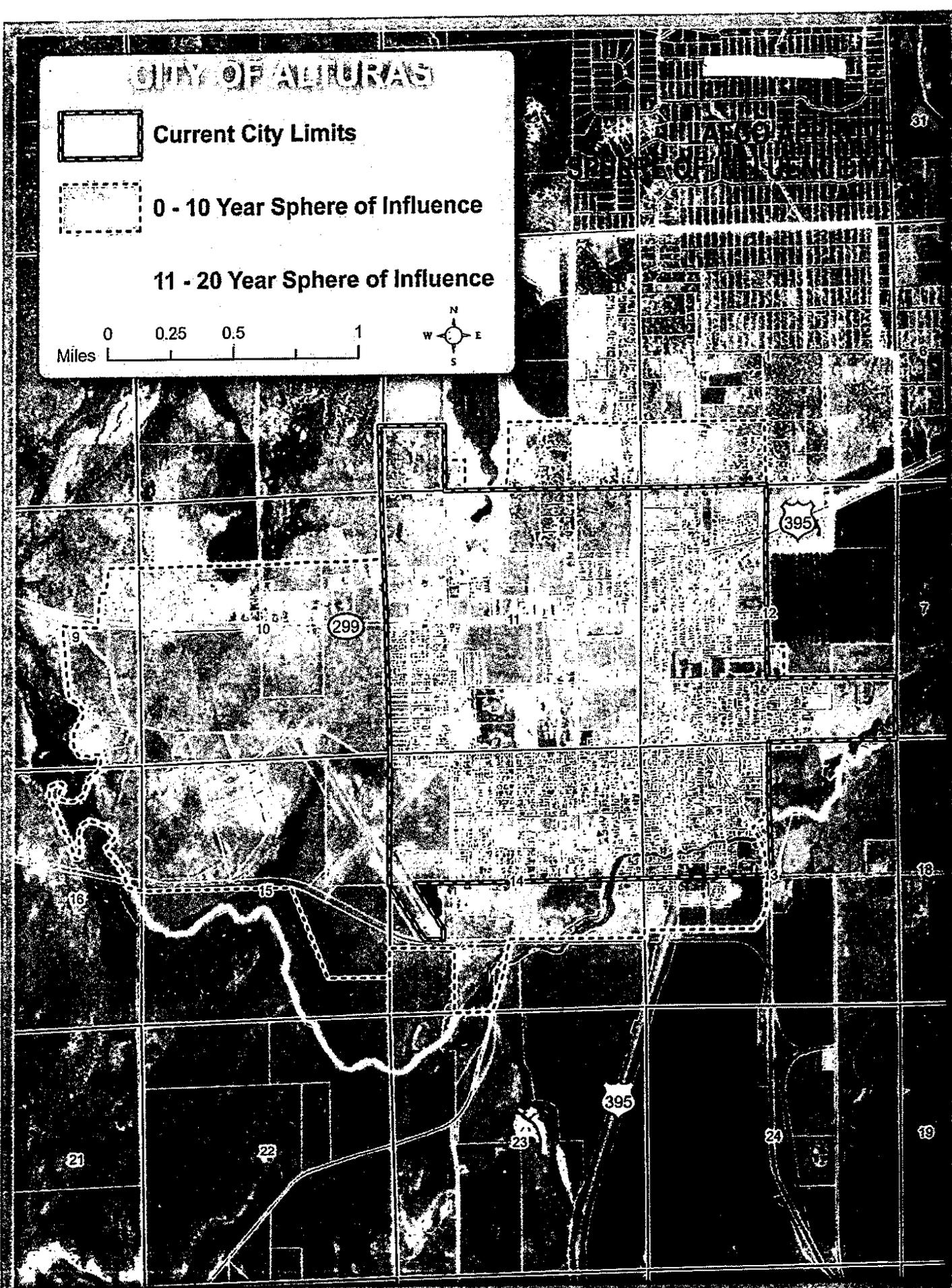
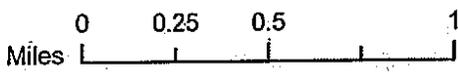


Current City Limits



0 - 10 Year Sphere of Influence

11 - 20 Year Sphere of Influence



Sewage Treatment Area
(South of the City and West of Co. Rd. 54)



Airport and Mill Site
(West of the City and South of West 4th Street)

