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Janice Powell  
City Member

Tim Garman  
County Member

Tenessa Audette  
City Member

Mary Rickert  
County Member Alternate

Stan Neutze  
City Member Alternate



Fred Ryness  
Special District Member

Ronnean Lund  
Special District Member

Rosemary Smith  
Special District Alternate

Larry Russell  
Public Member

Michael Spencer  
Public Member Alternate

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## AGENDA ITEM 9.B.

**Date:** October 3, 2024

**From:** Krystle Heaney, Executive Officer

**Subject: Termination of City of Anderson Out of Agency Service Application**

The Commission will consider adopting Resolution 2024-04, terminating the Out of Agency Service Application that was previously approved by Resolution 2023-01, due to incomplete conditions of approval, and a request by the City to terminate proceedings.

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### BACKGROUND

LAFCOs are responsible, under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, for regulating the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as boundary changes (e.g. annexations), consistent with adopted policies and procedures pursuant to California Government Code (G.C.) §56375, and Out of Agency service extension consistent with §56133. LAFCOs have broad discretion in amending and conditioning changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements.

### DISCUSSION

The City of Anderson submitted an application to LAFCO requesting an out of agency service extension to the Wooded Acres Subdivision in October 2022. This application was conditionally approved in February 2023 by Resolution 2023-01. Condition 11 stated, "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 unless an extension is approved." Since that time, the City has indicated that they no longer wish to extend services to the area and no request for an extension of the time limit was received.

### RECOMMENDATION

Staff recommends the Commission adopt Resolution 2024-04, rescinding Resolution 2023-01 and terminating the Out of Agency Service Application by the City of Anderson.

### ATTACHMENTS

Attachment A - Resolution 2023-01

Attachment B - Draft Resolution 2024-04

**LAFCO RESOLUTION 2023-01**

**RESOLUTION OF THE SHASTA LOCAL AGENCY FORMATION COMMISSION  
ADOPTING THE CITY OF ANDERSON – WATER SERVICE EXTENSION  
(TO A PORTION OF) WOODED ACRES SUBDIVISION**

**WHEREAS**, the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 governs the organization and reorganization of cities and special districts by Local Agency Formation Commissions, as defined and specified in Government Code Sections 56000 et seq.; and

**WHEREAS**, the City of Anderson provides municipal water service, through the Wooded Acres Pressure Zone (WAPZ), to the unincorporated portion of the Wooded Acres Subdivision, outside the City boundary and Sphere of Influence, but within the City of Redding SOI; and

**WHEREAS**, Most of the Wooded Acres Subdivision is served by water from the WAPZ, however multiple properties along northerly Robles Drive do not; and

**WHEREAS**, Robles Drive property owners, not currently connected, have requested water service be provided from the City of Anderson WAPZ; and

**WHEREAS**, the City of Anderson passed Resolution 22-46, Requesting the Shasta Local Agency Formation Commission Initiate Proceedings for a Service Extension, on October 18, 2022 and submitted a Resolution of Application and Plan for Services to Shasta LAFCO requesting water services be extended to these properties; and

**WHEREAS**, per Cortese Knox Herzberg Local Government Reorganization Act of 2000 Section 56133(a), a City may propose a services extension outside City boundaries and outside the Sphere of Influence to the LAFCO Commission to respond to existing or impending threat to the health or safety of the public or the residents of the affected territory and per Section 56133(b), LAFCO may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its Sphere of Influence to respond to existing or impending threat to the health or safety of the public or the residents of the affected territory if (i) the entity applying for approval has provided LAFCO with documentation of a health and safety threat to the public or the affected residents, and (ii) LAFCO has notified any alternate service provider, including any water corporation as defined in Public Utilities Code Section 241, that has filed a map and a service capabilities statement with LAFCO; and

**WHEREAS** a water services extension to these properties would require the cooperative effort of the property owners, the Cities of Redding and Anderson and the County of Shasta with implementation measures, as conditioned in this resolution, outlining the responsibilities of the cooperating parties ; and

**WHEREAS**, in the accordance with California Government Code Section 56661, the Executive Officer has given sufficient notice of the public hearing by the Commission on the proposal; and

**WHEREAS**, Shasta LAFCO prepared, distributed to affected agencies, and posted a Notice of Filing, and Certificate of Filing, for the proposed action; and the Commission heard and fully considered all testimony and evidence presented at a public hearing held on February 2, 2023; and

**WHEREAS** The Commission finds the service extension is exempt from further review under the California Environmental Quality Act pursuant to CEQA Guidelines: 14 CCR § 15303(c) Class 3: New Construction or Conversion of Small Structures, the project would not to have a significant effect on the environment and is therefore exempt from the CEQA provisions.

**NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED as follows:**

The Commission hereby determines the extension of water services to the multiple unincorporated properties within Wooded Acres Subdivision, located outside the City of Anderson's jurisdictional boundary and outside the Sphere of Influence is approved for health and safety reasons subject to the following conditions:

1. Completion of a 30-day reconsideration period provided under Government Code Section 56895.
2. Payment of any outstanding fees as identified in the Commission's adopted fee schedule.
3. The owners will be responsible for retaining engineering services to assess system capacity prior to extension design. This will include ability to meet fire standards which have recently been changed to require 1,000 gallons per minute (gpm) fire flows, from new hydrants. Construction plans suitable for an encroachment permit and cost estimate also needed.
4. The additional connections will require an engineering analysis to determine how the additional water demand can be met to provide the minimum amount of water pressure and volume needed to meet current fire flow requirements. A revision to the City of Redding - City of Anderson Intertie Agreement would be necessary to provide additional water needed to make an effective, adequate, safe and efficient supply system.
5. Based on capacity study information, the City of Redding and City of Anderson revise the Intertie Agreement between City of Redding and City of Anderson for increased flow and pressure.
6. Robles Drive property owners prepare and agree to a water conservation plan for connected parcels.
7. Robles Drive property owners obtain a water line, laterals, hydrants construction bid award, apply for an encroachment permit for work in county roadways from Shasta County Public Works Department and are responsible for obtaining final inspection and encroachment permit signoff.
8. Robles Drive property owners prepare easements for water lines in the County Robles Drive right-of-way and, upon County acceptance as to form, County to convey those easements for recordation.
9. City of Anderson to set individual water meters/collect connection fees and activate water service.
10. The Executive Officer is to transmit a certified copy of this resolution to each affected agency, as provided in G.C. § 56882 and upon condition compliance, record a Certificate of Completion.
11. 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 unless an extension is approved.

**BE IT FURTHER RESOLVED** The City of Anderson - Water Service Extension (portion of Wooded Acres Subdivision) is hereby approved and incorporated herein by reference as presented on the attached map noted as Exhibit A.

Adopted on February 2, 2023, by the following votes:

AYES: Crye, Fust, Jones, Morgan, Neutze, Russell, Ryners  
NOES: None  
ABSTAINS: None  
ABSENT: None

Dated: 2/2/2023

  
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Irwin Fust, Chairman  
Shasta Local Agency Formation Commission

Attest:

Dated: 2/2/2023


  
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Kathy Bull, Manager  
Shasta Local Agency Formation Commission

Exhibit A – Location Map

**SHASTA LOCAL AGENCY FORMATION COMMISSION**

**DRAFT RESOLUTION 2024-04**

**RESOLUTION OF THE SHASTA LOCAL AGENCY FORMATION COMMISSION  
RESCINDING RESOLUTION 2023-01 AND TERMINATING PROCEEDINGS FOR THE CITY  
OF ANDERSON OUT OF AGENCY WATER SERVICES EXTENSION TO A PORTION OF  
THE WOODED ACRES SUBDIVISION**

**WHEREAS**, the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 governs the organization and reorganization of cities and special districts by Local Agency Formation Commissions (LAFCO), as defined and specified in Government Code Sections 56000 et seq.; and

**WHEREAS**, on October 18, 2022, the City of Anderson adopted Resolution 22-46, requesting Shasta LAFCO initiate proceedings for a water service extension, and subsequently submitted a Resolution of Application and Plan for Services requesting water services be extended to properties along Robles Drive in the Wooded Acres Subdivision; and

**WHEREAS**, in accordance with Government Code Section 56133, a City may propose a services extension outside City boundaries and outside the Sphere of Influence in response to existing or impending threat to health or safety of the public or the residents of the affected territory and LAFCO may approve the request if documentation has been provided verifying the risk and notification has been provided to any alternate service provider that has filed a map and service capabilities statement with LAFCO; and

**WHEREAS**, the Commission did approve the City's request by adoption of Resolution 2023-01 which included numerous conditions of approval including Item 11: Completion of proceedings shall be concluded within one year after adoption of the resolution. If the proceedings are not concluded within one year after passage of the resolution, all proceedings shall be terminated unless an extension is approved; and

**WHEREAS**, the City did not submit a request for a time extension, has indicated that there is no longer a threat to health and safety, and no longer wishes to pursue the extension of services.

**NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED** as follows:

1. LAFCO Resolution 2023-01 is hereby rescinded; and
2. Proceedings for the City of Anderson – Water Service Extension to a portion of the Wooded Acres Subdivision are hereby terminated.

**THE FOREGOING RESOLUTION** was introduced at a regular meeting of the Shasta Local Agency Formation Commission on the 3<sup>rd</sup> day of October, 2024, and adopted by the following vote:

AYES:  
NOES:  
ABSTAINS:  
ABSENT:

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Larry Russell, Chairman*  
Shasta Local Agency Formation Commission

**Attest:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Krystle Heaney, Executive Officer*  
Shasta Local Agency Formation Commission

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