

CITY COUNCIL AGENDA: OCTOBER 21, 2014

SCHEDULED MATTER

SUBJECT: ANNEXATION AND MUNICIPAL SERVICES – UPDATE OF POLICIES AND PROCEDURES

SOURCE: Community Development Department - Planning Division

HISTORY: On September 16, 2014, the City Council reviewed broad, conceptual concerns relative to the existing policies and procedures for annexation and municipal services. At that meeting, Council supported staff's goal, and requested that proposed amendments be defined and brought back at a future meeting.

ANALYSIS: Staff has identified a number of issues resulting from current policies and implementation procedures. The most prominent concern is that City services are being provided to areas developed within the County to urban densities, often with no legal obligation for those properties to annex. This puts a strain on the limited resources of the City of Porterville, and in time becomes a burden to the residents of the city, who pay additional taxes in order to fund City services and infrastructure.

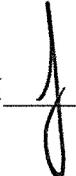
COMMENT: Central to the function of the Local Agency Formation Commission (LAFCo), is to consider boundary amendments that support the need for organized community services. When appropriate, areas receiving those community services should be annexed into the jurisdiction providing them. In the recently approved Municipal Services Review (Tulare LAFCo, October 1, 2014), LAFCo recommended that the City continue to pursue the annexation of the remaining "County islands," as administratively feasible, to establish a more definitive and organized City Limit Boundary.

It is in the City's best interest to annex properties that receive municipal services, so as to gain the Utility Users Tax and the albeit limited property tax revenue for those properties. While annexation of already developed and distressed areas is an understandable concern, much of the time the City is already fiscally responsible for the infrastructure and services within those areas. Staff's position is that the most effective solution to the needs of the developed unincorporated communities within and surrounding the city limits is to annex the areas and manage land uses to the standards expected of the City of Porterville.

The proposed policy amendments favor annexation over extension of extra-territorial service agreements (ESA). In situations where annexation is not feasible - for example, if a parcel is outside the Urban Development Boundary, the parcel is too distant from the city limit to have a reasonable chance at successful annexation, or the annexation attempt has failed - the extension of municipal services may still be considered subject to specific provisions.

DD 
ADJUTANT

Appropriated/Funded 

CM 

Item No. 11

Within the proposed policy amendment, staff recommends a series of considerations and conditions prior to the extra-territorial provision of services. Most notable is the requirement that the property owner requesting non-regional services apply for a Development Agreement, which would be recorded upon the property title and protect the City's interests in the property as it relates to the requested service by identifying property improvements and land uses, and limiting expansion of either without consent from the City of Porterville. Another key update is the requirement for an "irrevocable agreement to annex," which would also be recorded on the title of the property. These two documents, which would be required of any property receiving services without first completing annexation, would significantly strengthen the City's ability to secure land uses and future growth as supported by city infrastructure.

FEES: An appropriate consideration with the comprehensive update to the annexation policies and procedures are applicable fees. Currently, City staff spends approximately three hours per Extra-territorial Service Agreement application reviewing the materials and preparing for submittal to LAFCo. It seems reasonable to establish an appropriate fee for this effort. To support the revised policy's position in favor of annexation, staff has looked into a tiered fee schedule for annexation applications.

In addition to the application fees described above, two new concepts are presented for consideration in situations where properties would not be annexed: the Development Agreement and a proposed fee deposit into an escrow account to offset the cost of eventual annexation once certain thresholds are met. There are also two documents with the new application requirements for extra-territorial service agreements that would require recordation by Tulare County. While the City would not establish a fee for the recordation, the County does charge for this process.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution defining objectives and policies for annexations and municipal services;
2. Adopt the draft resolution establishing procedures for annexations and extension of municipal services;
3. Direct the Zoning Administrator to amend and/or create forms and applications as needed to implement the draft resolutions; and
4. Direct staff to review fees associated with processing annexations and extra-territorial service agreements, and an appropriate fee for the escrow fund for future annexations, and bring back a report with recommendations to the City Council at the next meeting.

ATTACHMENT: Complete Staff Report

CITY COUNCIL AGENDA: OCTOBER 21, 2014

STAFF REPORT

SUBJECT: ANNEXATION AND MUNICIPAL SERVICES – UPDATE OF POLICIES AND PROCEDURES

SOURCE: Community Development Department - Planning Division

HISTORY: On September 16, 2014, the City Council reviewed broad, conceptual concerns relative to the existing policies and procedures for annexation and municipal services. While much of the existing policy is fundamentally correct and still in use, the implementation of the policies has evolved since initial adoption, and recent trends in applications underscores the need to have a renewed objective. At that meeting, Council supported Staff's goal, and requested that proposed amendments be defined and brought back at a future meeting.

ANALYSIS: Staff has identified a number of issues resulting from current policies and implementation procedures. The most prominent concern is that City services are being provided to areas developed within the County to urban densities, often with no legal obligation for those properties to annex. This puts a strain on the limited resources of the City of Porterville, and in time becomes a burden to the residents of the city, who pay additional taxes in order to fund City services and infrastructure.

Other points that staff identifies as relevant to gain a general understanding of the need to update the City's Annexation and Municipal Services Policy and Procedures Manual include:

- Water provided to County residents impacts the City's water system. Approval of extra-territorial service connections have occurred at an unsustainable rate over the last few decades, resulting in over 1,000 connections beyond the city limits - 1,160 total. It should be noted that approximately 480 of those connections resulted from purchase of deficient private water systems. Nevertheless, in just the last month, six Extra-territorial Service Agreements (ESAs) were approved for individual parcels by using the parameters established in the current policy. Two were within a completely surrounded island west of North Main Street, but due to the recent denial of that annexation attempt, an ESA was approved instead. Three others were in an area proposed for annexation as a condition of provision of water for a private water company, the Akin Water Company near Gibbons Avenue and Plano Street. Due to significant outcry from the surrounding area, that water company's annexation attempt was halted and instead they were directed to request an ESA, which was approved by the City Council on the October 7, 2014 agenda. Rather than one annexation, the City has processed multiple ESAs within this area to date.
- Many of the aforementioned properties receiving water (and other services) are in areas that could reasonably be annexed, either by using the island provision

of LAFCo law, or through cumulative land valuation of those properties receiving City services.

- When areas are provided municipal services but are not annexed, the City—through a longstanding agreement with Tulare County - assumes responsibility to maintain roads within which municipal utility main lines exist. For example, when the City constructed a three million gallon water storage tank on Martin Hill, the County required the City to take over responsibility for maintaining the approximately 5,043 lineal feet of roads on Yates (1080 ft), Roche (680 ft), Worth (2389 ft), and Plano (894 ft).
- Urban densities of development have greater needs for police and fire services, whether within or outside of city limits. The Porterville Police Department regularly assists the Sheriff’s Department or the California Highway Patrol when they request assistance, typically in order to provide backup while those officers investigate. Similarly, within its response area, the Porterville Fire Department provides assistance (commonly referred to as “automatic aid”) to the Tulare County Fire Department. In 2013, Porterville Fire Department was dispatched to 50 fires in response to an automatic aid request. This equates to nearly 19% of the Department’s fire related calls.
- The total estimated land valuation of properties currently receiving extra-territorial water service from the City of Porterville is approximately \$75,800,000. Based on the current tax sharing agreement in place between the County of Tulare and the City of Porterville, the City’s share of the tax revenue of those properties would be approximately \$22,740 annually. If those properties had been annexed prior to development, the tax revenue would have been approximately \$45,000.

COMMENT: Central to the function of LAFCo is to consider boundary amendments that support the need for organized community services. When appropriate, areas receiving those community services should be annexed into the jurisdiction providing them. In the recently approved Municipal Services Review (Tulare LAFCo, October 1, 2014), LAFCo recommended that the City continue to pursue the annexation of the remaining “County islands,” as administratively feasible, to establish a more definitive and organized City Limit Boundary.

To this end, staff at both agencies have discussed a potential modification to Policy C-9 of the Tulare LAFCo Policy and Procedures Manual. Policy C-9 is the local implementation policy of AB 1555, the legislation that provides a simplified process for annexation of areas “substantially surrounded” by city limits, commonly referred to as islands. Subsection 9.3 of Tulare LAFCo’s Island Annexation Policy defines “substantially surrounded” as 65% or more surrounded. Attachment 3 presents a letter for the Council’s consideration that would ask Tulare LAFCo to reduce the definition of “substantially surrounded” from 65% surrounded to 51% surrounded. If approved, such an amendment would present a more simplified and less expensive application process for some unincorporated

developed communities immediately adjacent to the current city limits; for a representation of those areas, see Attachment 3, Enclosure: Porterville Islands.

It is in the City's best interest to annex properties that receive municipal services, so as to gain the Utility Users Tax and the albeit limited property tax revenue for those properties. While annexation of already developed and distressed areas is an understandable concern, much of the time the City is already fiscally responsible for the infrastructure and services within those areas. Staff's position is that the most effective solution to the needs of the developed unincorporated communities within and surrounding the city limits is to annex the areas and manage land uses to the standards expected of the City of Porterville.

The proposed policy amendments favor annexation over extension of extra-territorial services. The revised policies achieve this by requiring, in most situations, an annexation application to be filed and processed prior to approval of an extra-territorial service connection within the Urban Development Boundary. This eliminates a previously defined exception that allowed individual residential lots to connect to municipal services without attempting annexation. In situations where annexation is not feasible - for example, if a parcel is outside the Urban Development Boundary, the parcel is too distant from the city limit to have a reasonable chance at successful annexation, or the annexation attempt has failed - the extension of municipal services may still be considered subject to specific provisions.

Within the proposed policy amendment, staff recommends a series of considerations and conditions prior to the extra-territorial provision of services. Most notable is the requirement that the property owner requesting non-regional services apply for a Development Agreement, which would be recorded upon the property title and protect the City's interests in the property as it relates to the requested service by identifying property improvements and land uses, and limiting expansion of either without consent of the City of Porterville. Another key update is the requirement for an "irrevocable agreement to annex," which would also be recorded on the title of the property. These two documents, which would be required of any property receiving services without first completing annexation, would significantly strengthen the City's ability to secure land uses and future growth as supported by City infrastructure. The proposed form of these documents, as well as updated formats of the existing annexation applications, are included in Attachment 4.

FEES: An appropriate consideration with the comprehensive update to the annexation policies and procedures are applicable fees. The current approximate cost of an annexation application totals \$5,525, which includes \$3,670 for the annexation application, \$750 for Project Review Committee consultation, and a minimum of \$1,105 in environmental compliance documentation. This does not include LAFCo fees or Board of Equalization fees, which together can typically exceed \$5,000, unless the project is an island. By comparison, no fee currently exists for an extra-

territorial service connection, except the physical connection of the site to the system. Only recently, when this policy update was initiated, did staff begin routing extra-territorial service agreements to Tulare LAFCo, in compliance with LAFCo policy. LAFCo has a fee of \$121 plus actual costs in excess of that amount for ESAs processed by the Executive Officer; if an ESA must be considered by the Commission, the fee is \$334, plus actual costs in excess of that amount. Currently, City staff spends approximately three hours per ESA application reviewing the materials and preparing for submittal to LAFCo. It seems reasonable to establish an appropriate fee for this effort.

To support the revised policy's position in favor of annexation, staff has looked into a tiered fee schedule for annexation applications. A "major" annexation could be defined as an annexation of parcels where the applicant controls less than 50% of the properties; this would require additional noticing and public meetings for those other properties within the proposed annexation. A "minor" annexation could be defined as an annexation where the applicant controls 50% or more of the properties included within the proposed annexation. Island annexations would also be defined as "minor" annexations.

In addition to the application fees described above, two new concepts are presented for consideration in situations where properties would not be annexed. The Development Agreement would be an official agreement between the property owner and the City of Porterville, and would be approved in a manner consistent with Chapter 609 of the Development Ordinance. The currently adopted fee for a Development Agreement is \$1211; however, because Development Agreements for Extra-territorial Service Agreements would generally be standardized, a lesser fee could be considered. Another cost associated with extra-territorial service agreements would be a proposed fee deposit into an escrow account to offset the cost of eventual annexation once certain thresholds are met. This cost would likely be established per square footage, and "districts" would be defined for areas where annexation is not immediately possible. District accounts could be established to hold funds deposited with requests for extra-territorial service connections in escrow until such time as a larger property owner or the City selects to pursue annexation of the area.

It should be noted that the two new application requirements for extra-territorial service agreements, the Irrevocable Agreement to Annex and the Development Agreement, both require recordation by Tulare County. While the City would not establish a fee for the recordation, the County does charge for this process.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution defining objectives and policies for annexations and municipal services;
2. Adopt the draft resolution establishing procedures for annexations and extension of municipal services;

3. Direct the Zoning Administrator to amend and/or create forms and applications as needed to implement the draft resolutions; and
4. Direct staff to review fees associated with processing annexations and extra-territorial service agreements, and an appropriate fee for the escrow fund for future annexations, and bring back a report with recommendations to the City Council at the next meeting.

ATTACHMENTS:

1. Draft resolution defining objectives and policies for annexations and municipal services
2. Draft resolution establishing procedures for annexations and extension of municipal services
3. Letter requesting that Tulare County LAFCo consider an amendment to Policy C-9
4. Proposed forms and applications related to annexation and municipal service extensions:
 - a. Irrevocable Agreement to Annex
 - b. Development Agreement Application
 - c. Annexation/Municipal Service Request Application
 - d. Proposal Questionnaire
 - e. Plan for Services
5. September 16, 2014 Staff report

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

**ATTACHMENT
ITEM NO. 1**

2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY _____

Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: The City Council of the City of Porterville, acknowledging that over time policies and procedures must be evaluated and reconsidered in light of changes to the regulatory environment and physical setting of the community, adopted a resolution defining objectives and policies for annexations and municipal services; and

WHEREAS: The evaluation of applications and service requests has long been delegated to staff, a practice that has the potential to lend itself to inconsistent implementation of succinctly defined procedures; and

WHEREAS: Local, regional, and state laws have changed since the Council's last review of policies and procedures related to annexations and extension of municipal services.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define procedures to submit application for annexations and municipal services, and to have said application(s) processed as outlined in Exhibit "A," attached.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY _____

Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 2

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement (to be enacted only in the event of failed annexation attempt), Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the Development Agreement.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single-family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and Covenants:
 - a. A Development Agreement must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's expense.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's expense.
4. Time Limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections which necessitate the extension of one or more municipal facilities to property in order to make such connections shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.



Local Area Formation Commission
ATTN: Ben Giuliani, Executive Officer
210 N Church Street, Suite B
Visalia, CA 93291

October 22, 2014

Mr. Giuliani,

The City Council of the City of Porterville would like to request that the Tulare LAFCo review and amend Policy C-9, Section 9.3 Interpretation of AB 1555- Island Annexation Policy. As you are aware, the City of Porterville has uniquely convoluted boundaries. As such, our municipality finds itself with a series of developed areas that are surrounded more than 50% by the city limits, but not all are 65% surrounded. The City Council would appreciate LAFCo's consideration of an adjustment of the "substantially surrounded" threshold, from 65% surrounded to 51% surrounded, to allow annexation of islands per the provisions of Policy C-9. We anticipate that this amendment to LAFCo's policy would result in a simplified annexation process for multiple developed, unincorporated communities adjacent to the city limits, as identified in the enclosed figure.

We look forward to attending a future meeting where Tulare LAFCo would consider this policy amendment.

Respectfully,

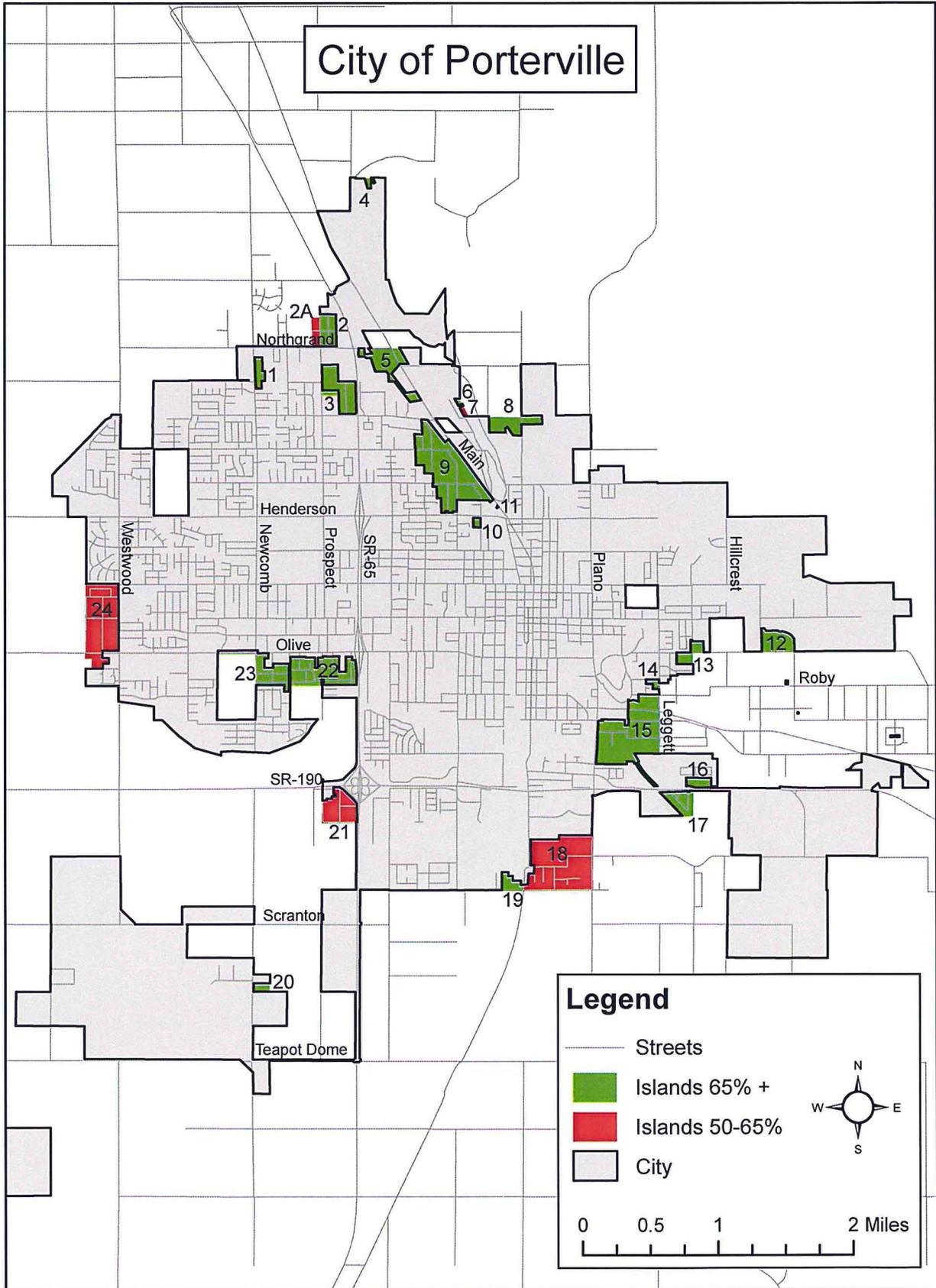
Milt Stowe, Mayor

Enclosure

cc: Community Development Department

**ATTACHMENT
ITEM NO. 3**

City of Porterville





Submittal Requirements for Irrevocable Agreement for Annexation to the City of Porterville

The following items are to be submitted at the time of application. However, prior to actual filing, all applicants are encouraged to contact the Planning Division of the Community Development Department at (559) 782-7460 or planning@ci.porterville.ca.us to schedule a pre-filing meeting at which time a planner can provide assistance regarding form and content of review submittals as well as information regarding City codes and policies.

The following items are to be submitted with this application. Please see attached application for details.

1. Completed application form;
2. Filing fees;
3. Legal description of land parcel(s);
4. Copy of recorded Grand Deed(s).

**ATTACHMENT
ITEM NO. 4-A**

City of Porterville

Application for Irrevocable Agreement for Annexation to the City of Porterville

IAA# _____ Submittal Date _____

Fee _____ PRC# _____

Applicant _____

Phone _____

Mailing Address _____

Total Acreage of the Project (Gross/Net) _____

Assessor's Parcel Number(s) for Property _____

Address of Property _____

Existing County General Plan Designation _____ Zoning _____

Current City General Plan Designation _____ Zoning _____

Proposed Land Use Designation _____ Zoning _____

Please complete the following:

I/We the undersigned owner(s) of the above described property hereby request that the City Manager of the City of Porterville review, approve, and sign the Irrevocable Agreement for Annexation to the City of Porterville for the property(ies) described herein.

Signature 1 Date

Signature 2 Date

Street Address

Street Address

City, State, Zip

City, State, Zip

Signature 3 Date

Signature 4 Date

Street Address

Street Address

City, State, Zip

City, State, Zip

Recording Requested by and

Upon Recordation return to:

City of Porterville

ATTN: Community Development Department

291 N Main Street

Porterville, CA 93257

IAA# _____

Irrevocable Agreement for annexation to the City of Porterville

This agreement is made this ____ day of _____, 20____, between _____ hereinafter referred to as "Owner", and the City of Porterville, hereinafter referred to as "City".

Whereas, Owner is the owner of the real property consisting of approximately _____ gross acres located at _____, Porterville, California, and is further described as follows: See attached legal description being further described as Assessor's Parcel Number _____.

Whereas, Owner requires use of the City (Sewer/Water/Storm Drain) system and the right to connect to the existing (Sewer/Water/Storm Drain) main which is contiguous to said property; and

Whereas, Owner is willing to permit the annexation of its property to the City of Porterville; and

Whereas, the City is willing to consent to the connection of said property to the (Sewer/Water/Storm Drain) main on the conditions that Owner permit said annexation to the City at the earliest possible time and enter into a development agreement to effectively limit changes in use or capacity of the site; and

Whereas, the City may proceed with the annexation of Owner's property plus other property, but said annexation will cause delay, which delay would create a substantial hardship for Owner.

Now, therefore, Owner does agree as follows:

1. Owner hereby gives its irrevocable consent to annexation of its property to the City at such time as the annexation may be properly approved through appropriate legal proceedings, and Owner does further agree to provide all reasonable cooperation and assistance to the City in the annexation proceedings. Said cooperation is contemplated to include signing any applications or consent prepared by the City and submitting any evidence reasonably within the control of Owner to the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of Owner to institute any litigation or judicial proceedings whatsoever to compel annexation to the City.
2. The City hereby agrees to authorize the connection of said property to the City's (Sewer/Water/Storm Drain) main located in _____.

3. Concurrent with connection to utilities, Owner agrees to pay a fair share of annexation fees and other costs related to infrastructure as would ordinarily be charged on the annexation of property to the City, and as outlined in the fee schedule adopted by the City.
4. In addition to fees described above, Owner shall pay all fees and charges and make all deposits required by City to connect to and use the (Sewer/Water/Storm Drain). Those fees shall include, but not be limited to, the following:
 - Connection Fees = \$ _____
 - LAFCo fee = \$ _____
 - Extraterritorial Service Agreement fee = \$ _____

Said fees shall be valid for a period of one year from the date of execution of this Agreement and shall be paid prior to the issuance of a (Sewer/Water/Storm Drain) connection permit. Fees paid after one year of the date of execution of this Agreement shall be subject to the fee amount in effect at that time. Owner also agrees to pay any additional fees that may be charged by the Local Area Formation Commission (LAFCo). Owner agrees to be bound by all City ordinances, rules, and regulations respecting the (Sewer/Water/Storm Drain) system.

5. This agreement shall be recorded.
6. Owner executes this agreement on behalf of itself, its successors and assigns, and said Agreement shall be irrevocable without the prior written consent of both parties hereto.

Executed this ____ day of _____, 20____

Owner: _____

By: _____

City: _____

The City Manager and Mayor of the City of Porterville have been authorized to execute this Agreement of behalf of the City of Porterville

 City Manager of the City of Porterville

 Mayor of the City of Porterville



CITY OF PORTERVILLE

APPLICATION FOR DEVELOPMENT AGREEMENT FOR EXTRATERRITORIAL SERVICE AGREEMENTS

PROJECT ADDRESS AND NEAREST CROSS STREETS:

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER(S):

NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF APPLICANT /CONTACT PERSON:

The Development Agreement will be in place until the date a future annexation of the property into the City of Porterville becomes effective.

The applicant for a Development Agreement shall provide a concise and complete recital of the existing state of the property requesting connection to municipal services. Such information may include:

- a. Site plans and/or photographs representing the subject property and its immediate surroundings as it exists at the date of application;
- b. Legal description of the parcel of land that will be the subject of development agreement;
- c. Any deed restrictions existing or being imposed upon the parcel(s) of land for development, and a description of any reservation or dedication of land for public purposes. It is understood the deed restrictions may change based upon a change in circumstances.
- d. Any further information that the City may require because of the particular nature or location of the development;

**ATTACHMENT
ITEM NO. 4-B**

REQUIREMENTS FOR FILING APPLICATION FOR DEVELOPMENT AGREEMENT

- 1. Development Agreement Application Form**
- 2. Plot Plan, Drawings and Photographs**
- 3. Filing fee as identified in Fee Schedule**

The Development Agreement Application form must be filled out completely. The application must be signed by the owner or authorized agent under penalty of perjury in the space provided on Page 3.

Submit this information and the application to the City of Porterville Community Development Department, Planning Division, 291 N Main Street, Porterville, California. The application must be complete in every respect, with all questions answered completely, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.



CITY OF PORTERVILLE

Community Development - Planning Division

APPLICATION FOR ANNEXATION / EXTRATERRITORIAL SERVICES

PRC Number _____

Annexation Number _____

CHECK ALL BEING APPLIED FOR:

- Infill of a County Island
- Full Annexation
- Annexation Creating a County Island
- Sphere of Influence Amendment
- Extraterritorial Service Agreement
- Pre-zoning
- General Plan Amendment

Project Name: _____

Name of Applicant /Agent: _____ Telephone: _____

Address of Applicant /Agent: _____

Name of Property Owner: _____ Telephone: _____

Address of Owner: _____

Project Location (address, cross street): _____

Assessors Parcel Number(s): _____

The applicant makes this request to use the above-described property for the following purposes:

Date of most recent sale of property: _____

List below the original deed restrictions pertaining to the type of permit requested. (Provide Copy)

Date said restrictions expire: _____

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).

**ATTACHMENT
ITEM NO. 4-C**

REQUIREMENTS FOR FILING APPLICATION FOR AN ANNEXATION

1. Project Review Committee (PRC) Application - \$750.00 fee
 2. Application Forms & Fees and Environmental Form
 3. Annexation Map, Legal Description, Deeds and Title Reports, Irrevocable Agreement to Annex, Application for Development Agreement
 4. 300-Foot Radius Map, Property Owners' List and Affidavit (or \$26.50 fee)
 5. Filing fees
 - LAFCo Fees (at www.co.tulare.ca.us/lafco)
 - Additional Fees for Posting, Recording and CEQA Compliance
 - Board of Equalization Acreage Fees
1. The Project Review Committee application form is to be submitted with this application and nine (9) copies of the map. The meeting will take place on the second Wednesday from the week of submittal. After receiving the recommendation from the Project Review Committee meeting, the remainder of the items and any changes will be resubmitted to the City for processing.
 2. The completed application should be submitted and be as complete as possible during the initial submittal to enable staff to make informed recommendations. If applicable, a Zone Change Application and corresponding maps should be submitted for alternative pre-zoning; zoning shall be in conformance with the Land Use Element of the General Plan. (Annexed properties do not qualify for a zone change or a general plan amendment for a two-year period following incorporation into the city limits).
 3. Submit nine (9) annexation maps accurately shown with complete metes and bounds description, or bearings and distance from filed surveys description, prepared by a qualified civil engineer or licensed land surveyor to Board of Equalization Standards. A substitute conceptual map may be submitted for the initial submittal; however, using substandard application materials will delay the processing of the project.
 4. The 300-Foot Radius Map accompanying the application must be to a suitable scale and must be accurate. It must show each parcel, wholly or partially, within 300-feet of the most outer edge of the project site. Each parcel must be consecutively numbered to correspond to owner's name on the Property Owners' List. Alternatively, the City will prepare the map and labels for a fee of \$26.50.

The Property Owners List must be current within 90 days of the first public hearing date and must be typewritten, or printed legibly, on Avery 5160 or equivalent mailing labels, and must include the owner's name and mailing address. Each owner's name on this list must be numbered to correspond with the numbering placed on the 300-foot Radius Map. The list must be of the latest available assessment roll and may be obtained through the Tulare County Assessor's Office or Title Company. The signed affidavit attests to the accuracy of the radius map and property owners list and must accompany the application.

5. Additional fees are required to process the application for a public hearing; these fees cover City expenses and staff time for processing the request. It is customary to expect additional fees for processing required CEQA documents and other agency fees.

Submit this information and the application to the Community Development Department, City Hall, 291 N. Main St., Porterville, California. The application must be complete in every respect, with all questions answered completely, before the Zoning Administrator can receive and certify the application material.

This application is not a permit. A public hearing will be held on your application.



CITY OF PORTERVILLE

PROPOSAL QUESTIONNAIRE

Annexation No. _____ File No. _____

A. GENERAL

- Annexation
 - 100% Consent
 - >50% Controlled
 - Island per G.C. § 56375
 - Inhabited
 - Uninhabited
- Extraterritorial Service Agreement

2. Title of Proposal: _____

3. Describe generally the location of the subject territory: _____

B. PHYSICAL FEATURES

- 1. Land Area: Acres _____
- 2. Description of General Topography: _____
- 3. Describe natural boundaries such as rivers, mountains, etc.: _____
- 4. Designate and describe generally the major highways and streets, the rivers, drainage basins, flood control channels, and similar features within and adjacent to the subject territory: _____

C. POPULATION AND LAND USE

- 1. Estimated total population of subject territory: (Indicate source of your information.) _____
- 2. Estimated population density of subject territory: (Population per acre.) _____
- 3. Proximity to other populated areas: (Give location of such populated areas with respect to subject territory and brief description of such populated areas.)

North: _____

East: _____

South: _____

West: _____

**ATTACHMENT
ITEM NO. 4-D**

4. Describe present land use in subject territory and in adjacent incorporated and unincorporated areas in the subject territory (i.e. single-family, multiple-family, commercial, industrial, publicly owned, others.)

D. ASSESSED VALUATION IN SUBJECT TERRITORY

1. Land: _____
2. Improvements: _____
3. Total: _____
4. Estimated per capita assessed valuation: _____

E. GOVERNMENTAL SERVICES AND CONTROLS

1. Indicate which of the following governmental services and controls, and any other governmental services and controls which you deem significant, that are now available in the subject territory, which agency now provides such services, and which agency will provide such services after the proposed action. (See Plan for Services – Critique): _____

2. What is the present property tax rate in the subject territory: _____
3. What is the likelihood of significant residential, commercial, industrial, and other urban growth in the subject territory and in adjacent incorporated areas during the next ten years? Explain your answer.

4. Annexation No. _____ conforms with the City of Porterville General Plan Land Use Element. The proposed annexation territory is also within the Porterville Sphere of Influence, the Urban Development Boundary, as adopted by LAFCO, the Board of Supervisors and the Porterville City Council.
5. What are the probable future needs for governmental services and controls in the subject territory during the next ten years, or foreseeable future? _____

F. EFFECT OF PROPOSED ACTION AND ALTERNATIVE ACTIONS:

What will be the probable effect of the proposed action and of alternative actions on the following: (Explain your answer. It is not sufficient to merely state "not applicable" or "no effect".)

1. The cost and adequacy of governmental services and controls in the subject territory and adjacent areas.

2. The general social and economic interests of the community (i.e., explain generally how the social and economic interests of the subject territory, the City and the County, will be benefitted or adversely affected).

3. The local governmental structure of the County (i.e. explain generally how the proposed action will contribute to the logical and reasonable development of local governmental structures of the County).

G. BOUNDARIES OF TERRITORY

1. Do the boundaries of the territory described in the proposal conform with lines of ownership and assessment? If the answer is "no", indicate the parcel or parcels which are divided by the proposed boundaries and state reasons why the proposed boundaries were not laid out to conform to lines of ownership and assessment.

2. Has any or all of the subject territory been included within a proposal undertaken under the same provisions of law which was disapproved by the Local Agency Formation Commission within one year preceding the filing of this application? If the answer is "yes", identify the proposal and attach a description of the territory involved in the former proposal.

3. (To be answered in connection with City annexation). Will the annexation of the territory described in the proposal result in the creation of an island, or a strip or corridor of unincorporated territory, completely surrounded by the annexing city? If your answer is "yes", then give the following information:

- a. Generally describe boundaries of island, strip or corridor and designate on map attached to application.

- b. Characteristics of island, strip or corridor:

Acres _____ Population _____

Population Density (per acre) _____

Total assessed valuation _____

Land and Improvements _____

Number of Registered Voters _____

Land Use _____

Land Use in surrounding Territory _____

c. Describe present and proposed sewer and water services within the island, strip or corridor:

d. Why was the island, strip or corridor not included within the boundaries of the proposal?

e. Could this island, strip or corridor reasonably be annexed to another city or reasonably be incorporated as a new city? Explain.

f. Explain fully how the application of the restrictions of Section 56000 et seq. of the Government Code would be detrimental to the orderly development of the Community.

H. TERMS AND CONDITIONS: The proposal is to be subject to the following terms and conditions:

I. NAME EACH CITY OR DISTRICT LOCATED WHOLLY OR PARTIALLY WITHIN THE BOUNDARIES OF THE SUBJECT TERRITORY: CITY OFFICIALS WILL VERIFY.

- City of Porterville (unannexed portion presently Tulare County)
- Porterville Unified School District
- Kern Community College District
- South Tulare County Citrus Pest Control District
- Tulare County Flood Control District
- Sierra View Hospital District
- Porterville Memorial District
- Porterville Cemetery District
- Tulare County Resource Conservation District
- Others? _____

J. MAILED NOTICE OF HEARING

List names and addresses of the officers, or persons, who are to be given mailed notice of hearing:

Name

Address

Applicant

See Below

City of Porterville

291 N Main St, Porterville, California 93257

K. APPLICANT

State name and address of applicant or applicants: _____

L. SIGNATURE(S) OF PERSONS(S) COMPLETING QUESTIONNAIRE

Signature: _____ Title: _____

Date Signed: _____ Telephone Number: _____

APPLICANT: _____ DATE: _____



CITY OF PORTERVILLE

ANNEXATION PROPOSAL CRITIQUE AND PLAN FOR SERVICES

AREA COMMENTARY: _____

RECREATION: _____

PUBLIC WORKS/PUBLIC FACILITIES: _____

AREA DESCRIPTION: _____

Study Area Boundaries:

North: _____

East: _____

South: _____

West: _____

SIZE OF AREA:

Gross Acres: _____

Square Miles: _____

TOPOGRAPHY: _____

DRAINAGE: _____

POPULATION: _____

REGISTERED VOTERS: _____

HOUSING UNITS: _____

Type(s): _____

ZONING:

Current: _____

Proposed: _____

GENERAL PLAN DESIGNATION: _____

LAND USE: _____

**ATTACHMENT
ITEM NO. 4-E**

PUBLIC UTILITIES:

Existing

Upon Annexation

Telephone: _____

Gas: _____

Electric: _____

Cable T.V.: _____

PUBLIC IMPROVEMENTS: Existing

Streets - lineal feet: _____

Curb & Gutter - lineal feet: _____

Sidewalk - lineal feet: _____

SEWAGE DISPOSAL:

Existing: _____

Upon Annexation: _____

REFUSE DISPOSAL:

Existing: _____

Upon Annexation: _____

WATER:

Existing: _____

Upon Annexation: _____

PUBLIC FACILITIES:

Existing

Upon Annexation

POLICE: _____

FIRE: _____

LIBRARY: _____

PARKS & RECREATION: _____

SCHOOLS: _____

ASSESSMENTS:

Assessed Value: _____

Land: _____

Improvements: _____

Current Tax Rate: _____

METHODS OF UPDATING AND PROVIDING PUBLIC SERVICES AND FACILITIES

A. Sewer: _____

B. Water: _____

C. Streets: _____

D. Curb – Gutter: _____

E. Sidewalk: _____

F. Public Safety: _____

G. Refuse Disposal: _____

CITY COUNCIL AGENDA: SEPTEMBER 16, 2014

SCHEDULED MATTER

SUBJECT: PROPOSED UPDATE TO ANNEXATION & MUNICIPAL SERVICES POLICIES AND PROCEDURES

SOURCE: Community Development Department- Planning Division

HISTORY: In 1986, the City Council adopted Resolution 33-86, establishing policies concerning annexation and extension of municipal services. Since that time, state and regional laws and policies have changed the regulatory framework of annexation and provision of municipal services. The current policy (Attachment 1) identifies objectives of future annexations, and outlines a step-by-step procedure for processing annexation requests. Most of this policy is fundamentally correct, and still in use by the Community Development Department. Over time, terminology has changed, as have City procedures, and staff has adapted the policy internally as needed.

COMMENT: With the pending amendment of the City's Sphere of Influence by the Tulare Local Area Formation Commission (Tulare LAFCo), followed by the anticipated amendment to the County adopted Urban Development Boundary (UDB) for the City, the policy is due for detailed review and revisions. In addition, a recent increase in the number of requests for municipal water services has underscored the importance of clearly established and firmly implemented procedures.

Specifically, staff requires direction on the matter of extending municipal services beyond the City's municipal boundaries, through a process commonly referred to as an "Extraterritorial Service Agreement." The state allows for such an agreement in Section 56133 of the Government Code, subject to specific procedures and findings. The City's current policy is outdated and inconsistent with California Government Code as well as Tulare LAFCo policy.

Over the last few years, the City has extended municipal services such as sewer, water, and storm drain connection to areas outside the city limits as long as the following conditions were met:

- The property in question was an existing single-family residence on a lot size not conducive to further development according to County lot minimum standards;
- The subject parcel was along the alignment of a City water (or sewer/storm drain) main;
- a request for municipal services is submitted to the Public Works Director;
- the land use is consistent with the City's General Plan;
- a "Consent to Annexation" form was filed; and

DD

JB

Appropriated/Funded *n/a*

CM

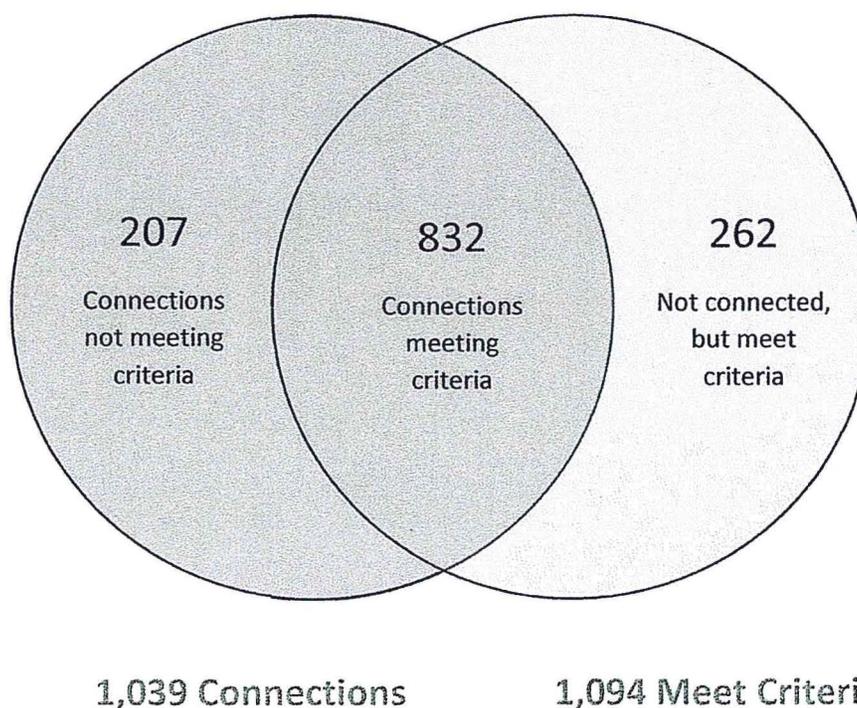
J

Item No. *16*
ATTACHMENT
ITEM NO. *5*

- connection fees were paid in full.

In a situation meeting the above referenced conditions, a property owner could quickly connect to City services, and in times of urgent need - for example, if a private well failed - the current procedure could allow connection within just a few days. According to institutional memory, the City has not in the past coordinated with LAFCo to approve Extraterritorial Service Agreements prior to accommodating the connection of services for single-family residences.

In reviewing existing extraterritorial service extensions, staff has analyzed the parcels that meet the conditions identified above specific to water connections, and found that there are 1,094 parcels within the City's proposed UDB that meet the criteria referenced above. There are 1,039 water connections outside the city limits. Of those, 832 meet the criteria referenced above. This leaves 207 water connections that have been established but do not meet the criteria, and 262 parcels that do meet the criteria but are not connected.



Possible explanations for this large number of extraterritorial water service connections include:

- At various times in the past, the City had acquired private water companies due to the private system either failing to meet supply needs, or failing to meet water quality standards;
- Certain subdivisions developed in the County did not annex but requested (and were approved for) municipal services;

- Independent property owners' wells failed and requested connection, which was approved ministerially or per Council's approval, consistent with the existing policy.

Tulare LAFCo Policy C-6 does not prohibit extension of City services to properties outside the city limits, but it does require coordination with LAFCo per Government Code Section 56133. If the service request is within the City's adopted Sphere of Influence, the authorization may come from the Executive Officer on behalf of the Commission. Staff expects that future compliance with this requirement would result in little delay to the past practice of connecting a property owner quickly in times of urgent need.

While the City is fortunately equipped to provide certain municipal services beyond its jurisdictional boundaries on a limited basis, the expectation has long been that at such time a property (with municipal connections) was able to annex to the city, annexation would be pursued. This may be initiated by the applicants or by the City, and the presumption had been that with the signed "Consent to Annexation" form required in order to connect to municipal services, eventual annexation would not be debated by a property owner. Since that time, the City Attorney has counseled staff that the "Consent to Annexation" form is not legally binding. Instead, some other jurisdictions now require an "Irrevocable Agreement to Annex," which is an agreement recorded by grant deed that legally binds any future property owner to annexation at such time that an application to annex is processed.

For the most part, the City's original *Annexation Policy Manual & Municipal Services Policy for Unincorporated Areas* needs only minor adjustments to return to full compliance with the Government Code and Tulare LAFCo policies. However, the City's policy and procedures must be more clearly written as it relates to Extraterritorial Service Agreements in order to preserve the City's resources and ensure consistent implementation. In addition, staff and legal counsel would encourage the Council to consider implementation of a more legally binding "Irrevocable Agreement to Annex" instead of, or in addition to, the "Consent to Annexation" form.

With input from the Council on these important concepts, staff will make necessary adjustments and bring back a revised policy and procedures manual for adoption at the next meeting.

RECOMMENDATION: That the City Council:

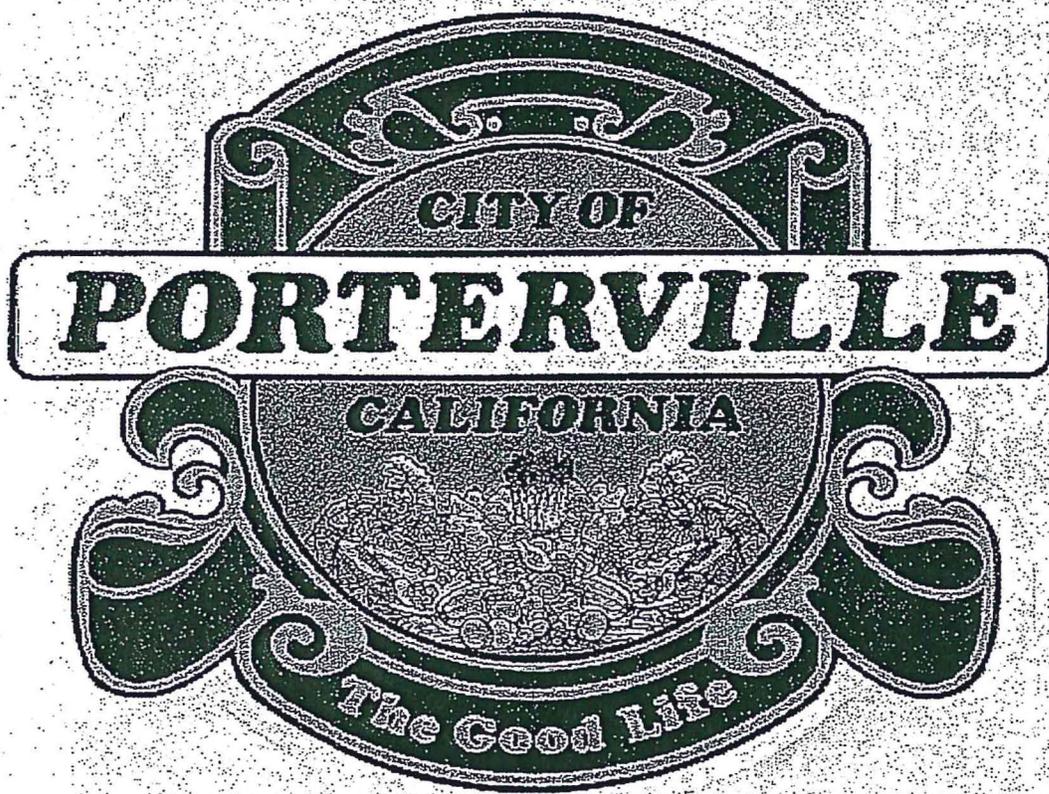
1. Review the proposed resolution defining objectives and policies for annexations and municipal services;
2. Direct the Zoning Administrator to amend the annexation application to reflect updated codes and regulations, such as CEQA and the Cortese-Knox-Hertzberg Act; and

3. Provide direction relative to parameters for provision of extraterritorial services and implementation of an “Irrevocable Agreement to Annex.”

ATTACHMENTS

1. Annexation Policy Manual & Municipal Services Policy for Unincorporated Areas, 1986
2. Tulare LAFCo Policy C-6
3. Draft resolution defining objectives and policies for annexations and municipal services
4. Draft Irrevocable Agreement to Annex form

CITY OF PORTERVILLE



ANNEXATION POLICY MANUAL AND MUNICIPAL SERVICES POLICY FOR THE UNINCORPORATED AREAS

ATTACHMENT
ITEM NO. 1

"CITY OF PORTERVILLE"

ANNEXATION POLICY MANUAL
AND
MUNICIPAL SERVICES POLICY
FOR THE UNINCORPORATED AREAS

"CITY OF PORTERVILLE"

ANNEXATION POLICY MANUAL

AND

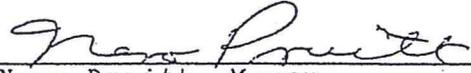
MUNICIPAL SERVICES POLICY

FOR THE UNINCORPORATED AREAS

RESOLUTION NO. 33-86

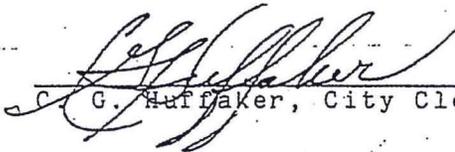
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING AMENDMENT
TO THE ANNEXATION POLICY MANUAL

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that the attached Annexation Manual and Municipal Services Policy for the Unincorporated Areas, Exhibit "A", is hereby adopted this 1st day of April, 1986, to become effective July 1, 1986.



Nero Pruitt, Mayor

ATTEST;



G. Huffaker, City Clerk

ANNEXATION POLICY MANUAL

I. INTRODUCTION

The unincorporated territories abutting the City of Porterville, and those territories within the Urban Improvement Boundaries are termed the City's unincorporated "Fringe". The City of Porterville's unincorporated fringe is sizeable, measuring better than one-half of the City's present corporate land area.

II. HISTORY

The Porterville City Council by Resolution No. 33-86, adopted April 1, 1986, established the following policy concerning annexation to the City of Porterville.

"The City Council of the City of Porterville, California, recognizing that the City in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the City of Porterville to annex to said City of Porterville."

During the past twenty years rapid expansion of the City's boundaries has caused concern within City government about costs of extensions of public facilities and services. The City of Porterville has taken the position that the costs of all physical improvements within the City have been paid by property owners, and other taxes derived in the City, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

III. OBJECTIVES

1. To provide for land development which will balance the current growth trend and allow a more manageable potential for the extension of public services and facilities.
2. To channel future growth into land more suitable for the development of urban pursuits as evidence by:
 - a. Lower acreage bare land - costs.

ANNEXATION POLICY MANUAL

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During the past twenty years rapid expansion of the City's boundaries has caused concern within City government about costs of extensions of public facilities and services. The City of Porterville has taken the position that the costs of all physical improvements within the City have been paid by property owners, and other taxes derived in the City, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

III. OBJECTIVES

1. To provide for land development which will balance the current growth trend and allow a more manageable potential for the extension of public services and facilities.
2. To channel future growth into land more suitable for the development of urban pursuits as evidence by:
 - a. Lower acreage bare land - costs.

- b. Unsuitability of the clay type soils for agricultural pursuits other than citrus.
- c. Scenic potential of hillside lands.
- d. Need for public facilities to serve existing development.
3. To respond to transportation planning needs.
4. To provide a viable interface with land use planning modes, and the full implementation of the Porterville General Plan, as amended.
5. To obtain and correlate pertinent data and information from City, County, and State agencies, the private sector, and field surveys.
6. To determine for the area described in each petition/consent for annexation that the subject proposal will be considered upon its merits, what benefits would accrue to the City and to the area residents/property owners.
7. To equate said benefits applicable for each proposal, thereby determining a benefit balance or imbalance, and forming the basis for recommendation to the legislative body as to which areas, based on comparable standards, should be encouraged to annex to the City.
8. To identify the problems involved in any proposal considered for annexation.
9. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

IV. POLICY

As witnessed during past years, the community is experiencing intensive urban development, and it is anticipated this urbanization will continue at a fairly substantial rate.

The City Council of the City of Porterville hereby makes this statement of policy as a guide and rule in the annexing of properties to the City of Porterville:

1. It shall be the policy of the City Council to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary.

2. It shall be the policy of the City Council to discourage single family one (1) lot annexation proposals, that may have an adverse fiscal impact on the City of Porterville.
3. It shall be the policy of the City Council that territory shall not be annexed to the City of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the City of Porterville.
4. It shall be the policy of the City Council that annexation proposals shall be in conformance with the Cortese-Knox Local Government Reorganization Act of 1985, as amended.
5. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
6. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/ resident or developer.
7. It shall be the policy of the City Council to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
8. It shall be the policy of the City Council that the applicant for present proposals to the Project Review Committee at the City Hall and explain the particulars of the area under consideration for possible annexation, including a plan for services.
9. It shall be the policy of the City Council that procedures as outlined in Exhibit "A" shall be adhered to for submittal of a formal annexation application to the City of Porterville.

2. It shall be the policy of the City Council to discourage single family one (1) lot annexation proposals, that may have an adverse fiscal impact on the City of Porterville.
3. It shall be the policy of the City Council that territory shall not be annexed to the City of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the City of Porterville.
4. It shall be the policy of the City Council that annexation proposals shall be in conformance with the Cortese-Knox Local Government Reorganization Act of 1985, as amended.
5. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
6. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/ resident or developer.
7. It shall be the policy of the City Council to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
8. It shall be the policy of the City Council that the applicant for present proposals to the Project Review Committee at the City Hall and explain the particulars of the area under consideration for possible annexation, including a plan for services.
9. It shall be the policy of the City Council that procedures as outlined in Exhibit "A" shall be adhered to for submittal of a formal annexation application to the City of Porterville.

EXHIBIT "A"

PROCEDURES:

1. On receipt of an annexation proposal (See Annexation Application), the material will be forwarded to the Project Review Committee, LAFCO staff and the County Public Works Department for review and recommendation.
2. On receipt from the Project Review Committee of the necessary application and data, staff will prepare a report and findings on environmental aspects of the proposed annexation area.
3. On review of the Environmental Review Committee, a determination of environmental significance will be prepared in conformance with the California Environmental Quality Act, as amended.
4. On completion of the environmental document, the proposed annexation application will be forwarded to the Porterville City Council for its consideration and endorsement.
5. On receipt of an endorsement, documents will be filed in accordance with the Cortese Knox Local Government Reorganization Act of 1985, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On approval of the Local Agency Formation Commission, staff will forward recommendations and conditions to the City Council for its review and consummation of the annexation proposal.

7. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees (To be paid by Applicant).
8. Pre-Zoning (Staff to make determination).

In the event that pre-zoning is required by the City of Porterville, the applicant shall provide the following:

- A. Filing Fee and Environmental Fees.
- B. Application Form.
- C. 300-foot radius map.
- D. Property Owners List.
- E. Photographs (optional).

ANNEXATION APPLICATION

The application for annexation shall include the following:

- A. An Environmental Information Form addressing the annexation and proposed future development.
- B. A legal description of the annexation area, (Complete metes and bounds description, or bearings and distance from field surveys description, an annexation map 8-1/2" X 14", prepared by or under the direction of a registered civil engineer or licensed land surveyor.)
- C. Annexation fees shall be filed pursuant to the provision of the City of Porterville Comprehensive Fee Schedule.
- D. A Consent to Annex form signed by owner(s).
- E. If applicable, an application for pre-zoning (zone change).
Subject application for a zone change shall be in conformance with the Land Use Element designation of the Porterville General Plan.

7. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees (To be paid by Applicant).
8. Pre-Zoning (Staff to make determination).

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- D. A Consent to Annex form signed by owner(s).
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Subject application for a zone change shall be in conformance with the Land Use Element designation of the Porterville General Plan.

APPENDICES

1. Environmental Information Form.
2. Consent to Annex Form.
3. Annexation Proposal Questionnaire (To be prepared by staff).
4. Annexation Proposal Plan for Service/Critique (To be prepared by staff).
5. Sample Annexation Map.

Note: Shown on 8 ½" x 11" paper; CORRECT SIZE TO BE SUBMITTED

SHOULD BE ON 8 ½" x 14" PAPER. Any deviation from content (not form) will impede further processing until corrected by Applicant.

6. Sample Legal Description: To be typed on 8 ½" x 11" paper.

Note: Any deviation from content and form will impede further processing until corrected by Applicant.

7. Cortese-Knox Local Government Reorganization Act of 1985 Flow Chart.
8. City of Porterville Annexation and Pre-Zoning Flow Chart.

CITY OF PORTERVILLE
DEPARTMENT OF COMMUNITY DEVELOPMENT AND SERVICES
PLANNING DIVISION
ENVIRONMENTAL INFORMATION FORM

Date Filed: _____
(To be completed by Applicant or Engineer)

For Office Use Only: Receipt No. _____ Amount: _____
Date: _____ Payer: _____
Received By: _____
ERC No. _____ Project No. _____

Note: Failure to answer applicant questions could delay the processing of your application or require you to resubmit your application.

General Information:

1. Name and address of developer or project sponsor: _____

2. Address of project: _____
3. Name, address, and telephone number of person to be contacted concerning this project: _____

4. Indicate number of the permit application for the project to which this form pertains:

5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

6. Existing zoning district: _____
7. Proposed use of site (project for which this form is filed): _____

CITY OF PORTERVILLE

DEPARTMENT OF COMMUNITY DEVELOPMENT AND SERVICES

PLANNING DIVISION

ENVIRONMENTAL INFORMATION FORM

Date Filed: _____
(To be completed by Applicant or Engineer)

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5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

6. Existing zoning district: _____
7. Proposed use of site (project for which this form is filed): _____

Project Description:

8. Site size.
9. Square footage.
10. Number of floors of construction.
11. Amount of off-street parking provided.
12. Attach plans.
13. Proposed scheduling.
14. Associated project.
15. Anticipated incremental development.
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
18. If industrial, indicate type, estimated employment per shift, and loading facilities.
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

	YES	NO
21. Change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours.	_____	_____
22. Change in scenic views or vistas from existing residential areas, or public lands or roads.	_____	_____
23. Changes in pattern, scale or character of general area of project.	_____	_____
24. Significant amounts of solid waste or litter.	_____	_____
25. Change in dust, ash, smoke, fumes or odors in vicinity.	_____	_____
26. Change in ocean, bay, lake, stream or ground water quality or alteration of existing drainage patterns.	_____	_____
27. Substantial change in existing noise or vibration levels in the vicinity.	_____	_____

- 28. Site on filled land or on slope of 10 percent or more. _____
- 29. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives. _____
- 30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). _____
- 31. Substantially increased fossil fuel consumption (electricity, oil, natural gas, etc.). _____
- 32. Relationship to a larger project or series of projects. _____

Environmental Setting:

- 33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

- 34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

All applicants or engineers must check one of the following boxes:

_____ I hereby authorize the City of Porterville Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

_____ I hereby authorize the engineer or surveyor as my representative to authorize the City Planning Division to prepare an Environmental Impact Report for my project, if necessary. I understand the City will bill me, and I agree to pay the City for the actual cost of preparation of the Environmental Impact Report. I further understand that no action approving the project will be taken by the City until the cost of the Environmental Impact Report is paid.

_____ Please do not proceed with the preparation of an Environmental Impact Report for my project until the City Planning Division has received a written authorization letter from me, or my authorized representative.

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial environmental evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

_____ Signature _____ Date

_____ Applicant/Engineer

_____ Street Address _____ City _____ State _____ Zip

_____ Telephone

Forms: EnvironInfo

CONSENT TO ANNEXATION

The undersigned property owners, their heirs, successors and assignees hereby consent to the annexation of their property to the City of Porterville as provided in the Cortese-Knox Local Government Reorganization Act of 1985 and the Codes and Statutes of the State of California. The owners hereby affirm that all successive owners shall be notified in writing of the consent, and no successive owner shall have recourse against the City resulting from this annexation consent.

The owner acknowledges by signature that the City of Porterville has granted privileges and/or services in order to secure this consent and that this document will be duly recorded with the County Recorder.

<u>A.P.N. of property to be annexed</u>	<u>Address</u>
_____	_____
_____	_____

<u>Name (type or print)</u>	<u>Signature</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____

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_____	_____
_____	_____

<u>Name (type or print)</u>	<u>Signature</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____

PROPOSAL QUESTIONNAIRE

Annexation No. _____ File No. _____

A. GENERAL

1. Type of Proposal: Annexation () 100% Consent () Uninhabited ()
Inhabited () Section 35150 (F)
2. Title of Proposal:
3. Describe generally the location of the subject territory:

B. PHYSICAL FEATURES

1. Land Area: Acres _____
2. Description of General Topography:
3. Describe natural boundaries such as rivers, mountains, etc.:
4. Designate and describe generally the major highways and streets, the rivers, drainage basins, flood control channels, and similar features within and adjacent to the subject territory.

C. POPULATION AND LAND USE

1. Estimated total population of subject territory: (Indicate source of your information.)

2. Estimated population density of subject territory: (Population per acre).

3. Proximity to other populated areas: (Give location of such populated areas with respect to subject territory and brief description of such populated areas).
 - North:

 - East:

 - South:

 - West:

4. Describe present land use in subject territory and in adjacent incorporated and unincorporated areas in the subject territory (i.e. single family, multiple-family, commercial, industrial, publicly owned, others).

D. ASSESSED VALUATION IN SUBJECT TERRITORY

1. Land _____
2. Improvements _____
3. Total _____
4. Estimated per capita assessed valuation _____

E. GOVERNMENTAL SERVICES AND CONTROLS

1. Indicate which of the following governmental services and controls, and any other governmental services and controls which you deem significant, that are now available in the subject territory, which agency now provides such services, and which agency will provide such services after the proposed action.

See Plan for Services - Critique

2. Estimated population density of subject territory: (Population per acre).

3. Proximity to other populated areas: (Give location of such populated areas with respect to subject territory and brief description of such populated areas).

North:

East:

South:

West:

4. Describe present land use in subject territory and in adjacent incorporated and unincorporated areas in the subject territory (i.e. single family, multiple-family, commercial, industrial, publicly owned, others).

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1. Land _____
2. Improvements _____
3. Total _____
4. Estimated per capita assessed valuation _____

E. GOVERNMENTAL SERVICES AND CONTROLS

1. Indicate which of the following governmental services and controls, and any other governmental services and controls which you deem significant, that are now available in the subject territory, which agency now provides such services, and which agency will provide such services after the proposed action.

See Plan for Services - Critique

2. What is the present property tax rate in the subject territory:
3. What is the likelihood of significant residential, commercial, industrial, and other urban growth in the subject territory and in adjacent incorporated areas during the next ten years? Explain your answer.
4. Annexation No. _____ conforms with the City of Porterville General Plan Land Use Element, adopted July, 1998. The proposed annexation territory is also within the Porterville Sphere of Influence, the Urban Development Boundary, as adopted by LAFCO, the Board of Supervisors and the Porterville City Council.
5. What are the probable future needs for governmental services and controls in the subject territory during the next ten years, or foreseeable future?

F. EFFECT OF PROPOSED ACTION AND ALTERNATIVE ACTIONS:

What will be the probable effect of the proposed action and of alternative actions on the following: (Explain your answer. It is not sufficient to merely state "not applicable" or "no effect").

1. The cost and adequacy of governmental services and controls in the subject territory and adjacent areas.
2. The general social and economic interests of the community (i.e., explain generally how the social and economic interests of the subject territory, the City and the County, will be benefitted or adversely affected).
3. The local governmental structure of the County (i.e. explain generally how the proposed action will contribute to the logical and reasonable development of local governmental structures of the County).

G. BOUNDARIES OF TERRITORY

1. Do the boundaries of the territory described in the proposal conform with lines of ownership and assessment? If the answer is "no", indicate the parcel or parcels which are divided by the proposed boundaries and state reasons why the proposed boundaries were not laid out to conform to lines of ownership and assessment.

2. Has any or all of the subject territory been included within a proposal undertaken under the same provisions of law which was disapproved by the Local Agency Formation Commission within one year preceding the filing of this application? If the answer is "yes", identify the proposal and attach a description of the territory involved in the former proposal.

3. (To be answered in connection with City annexation). Will the annexation of the territory described in the proposal result in the creation of an island, or a strip or corridor of unincorporated territory, completely surrounded by the annexing city? If your answer is "yes", then give the following information:
 - a. Describe generally boundaries of island, strip or corridor and designate on map attached to application.

 - b. Characteristics of island, strip or corridor:

Acres _____ Population _____

Population Density (per acre) _____

Total assessed valuation
(land and improvements) _____

Number of Registered Voters _____

Land Use:

Land Use in surrounding Territory:

 - c. Describe present and proposed sewer and water services within the island, strip or corridor:

G. BOUNDARIES OF TERRITORY

1. Do the boundaries of the territory described in the proposal conform with lines of ownership and assessment? If the answer is "no", indicate the parcel or parcels which are divided by the proposed boundaries and state reasons why the proposed boundaries were not laid out to conform to lines of ownership and assessment.

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b. Characteristics of island, strip or corridor:

Acres _____ Population _____

Population Density (per acre) _____

Total assessed valuation
(land and improvements) _____

Number of Registered Voters _____

Land Use:

Land Use in surrounding Territory:

c. Describe present and proposed sewer and water services within the island, strip or corridor:

- d. Why was the island, strip or corridor not included within the boundaries of the proposal?
- e. Could this island, strip or corridor reasonably be annexed to another city or reasonably be incorporated as a new city? Explain.
- f. Explain fully how the application of the restrictions of Section 35010 of the Government Code would be detrimental to the orderly development of the Community.

H. TERMS AND CONDITIONS

The proposal is to be subject to the following terms and conditions:

I. NAME EACH CITY OR DISTRICT LOCATED WHOLLY OR PARTIALLY WITHIN THE BOUNDARIES OF THE SUBJECT TERRITORY: CITY OFFICIALS WILL VERIFY.

1. City of Porterville (unannexed portion presently Tulare County).
2. Porterville Unified School District.
3. Kern Community College District.
4. South Tulare County Citrus Pest Control District.
5. Tulare County Flood Control District.
6. Sierra View Hospital District.
7. Porterville Memorial District.
8. Porterville Cemetery District.
9. Tulare County Resource Conservation District.
10. Others?

J. MAILED NOTICE OF HEARING

List names and addresses of the officers, or persons, not to exceed three in number, who are to be given mailed notice of hearing:

<u>Name</u>	<u>Address</u>
Applicant	See Below
City of Porterville	P.O. Box 432, Porterville, California 93258

K. APPLICANT

State name and address of applicant or applicants:

L. SIGNATURE(S) OF PERSONS(S) COMPLETING QUESTIONNAIRE

Signature

Title

Date Signed

Telephone Number

Extension

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List names and addresses of the officers, or persons, not to exceed three in number, who are to be given mailed notice of hearing:

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See Below

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State name and address of applicant or applicants:

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Signature

Title

Date Signed

Telephone Number

Extension

APPLICANT: _____

DATE: _____

ANNEXATION PROPOSAL CRITIQUE
AND PLAN FOR SERVICES

AREA COMMENTARY:

RECREATION:

PUBLIC WORKS/PUBLIC FACILITIES:

AREA DESCRIPTION:

Study Area Boundaries:

North:

East:

South:

West:

SIZE OF AREA:

Gross Acres:

Square Miles:

TOPOGRAPHY:

DRAINAGE:

POPULATION:

REGISTERED VOTERS:

HOUSING UNITS:

Type:

ZONING:

Current:

Proposed:

GENERAL PLAN DESIGNATION:

AREA DESCRIPTION:

Study Area Boundaries:

North:

East:

South:

West:

SIZE OF AREA:

Gross Acres:

Square Miles:

TOPOGRAPHY:

DRAINAGE:

POPULATION:

REGISTERED VOTERS:

HOUSING UNITS:

Type:

ZONING:

Current:

Proposed:

GENERAL PLAN DESIGNATION:

LAND USE:

PUBLIC UTILITIES:

Existing

Upon Annexation

Telephone:

Gas:

Electric:

Cable T.V.:

PUBLIC IMPROVEMENTS: Existing

Streets - lineal feet: _____

Curb & Gutter - lineal feet: _____

Sidewalk - lineal feet: _____

SEWAGE DISPOSAL:

Existing:

Upon Annexation

REFUSE DISPOSAL:

Existing:

Upon Annexation:

WATER:

Existing:

Upon Annexation:

PUBLIC FACILITIES:

Existing

Upon Annexation

POLICE:

FIRE:

LIBRARY:

PARKS & RECREATION:

SCHOOLS:

ASSESSMENTS:

Assessed Value:

Land:

Improvements:

Current Tax Rate:

METHODS OF UPDATING AND PROVIDING PUBLIC SERVICES AND FACILITIES

- A. Sewer
- B. Water
- C. Streets
- D. Curb - Gutter
- E. Sidewalk
- F. Public Safety
- G. Refuse Disposal

SCHOOLS:

ASSESSMENTS:

Assessed Value:

Land:

Improvements:

Current Tax Rate:

METHODS OF UPDATING AND PROVIDING PUBLIC SERVICES AND FACILITIES

- A. Sewer
- B. Water
- C. Streets
- D. Curb - Gutter
- E. Sidewalk
- F. Public Safety
- G. Refuse Disposal

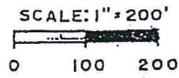
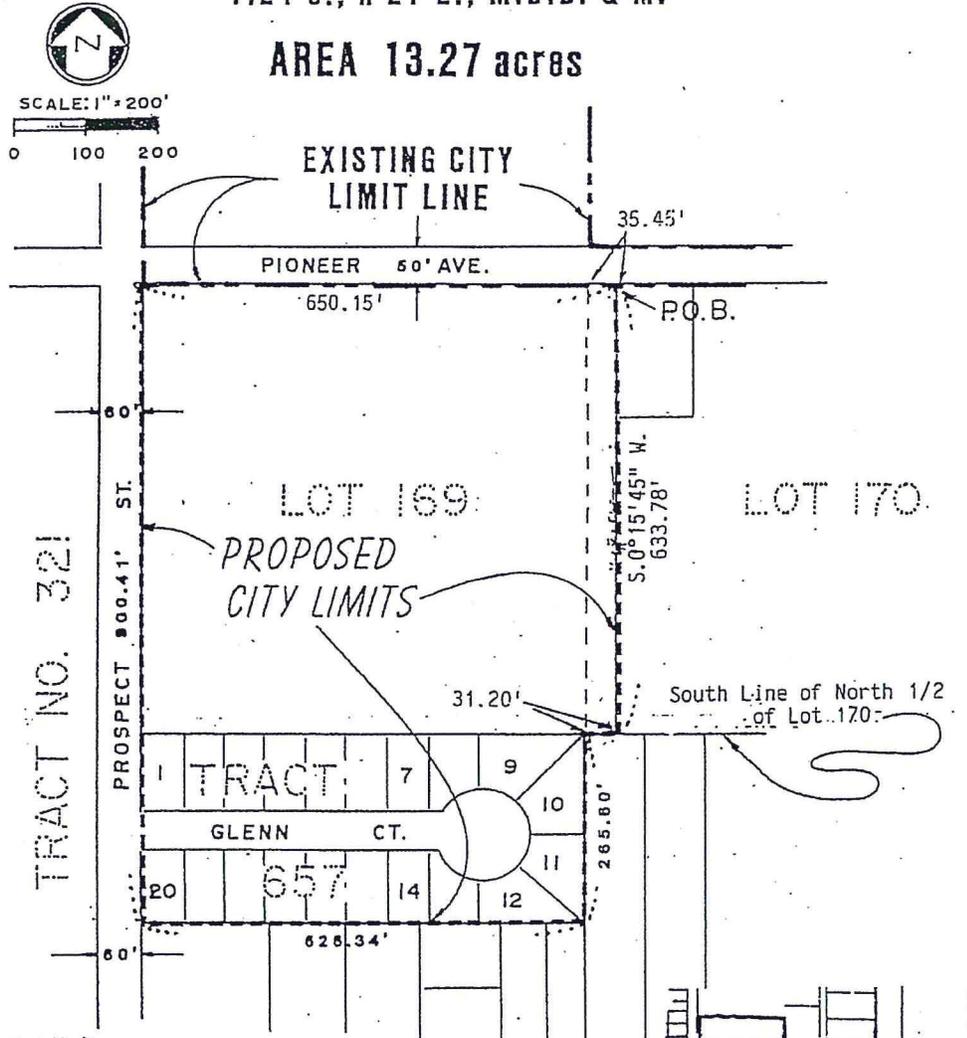
ANNEXATION NO. 396

CITY OF PORTERVILLE

PORTION OF S 1/2 OF NE 1/4 SEC. 22,

T.21 S., R 27 E., M.D.B. & M.

AREA 13.27 acres



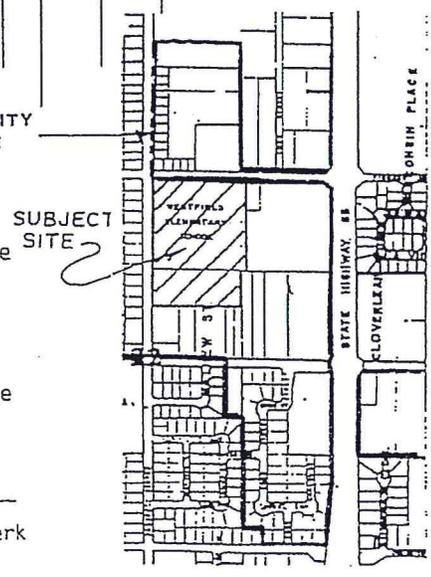
TRACT NO. 321

EFFECTIVE DATE 10/21/91
STATE OF CALIFORNIA
COUNTY OF TULARE

I hereby certify that Resolution No. 121-91 was passed and adopted by the Council of the City of Porterville on the 17th day of September, 1991, annexing to the City of Porterville the area shown on this map and that said map sets forth the boundaries of territory annexed to the City of Porterville by said resolution.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Official Seal of the City of Porterville this 30th day of September, 1991.

[Signature]
C.G. Baker, City Clerk
City of Porterville



LOCATOR - N.T.S.

ANNEXATION NO. 396

CITY OF PORTERVILLE

That portion of the South half of the Northeast quarter of Section 22, all in Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

BEGINNING at a point in the existing City Limit Line and the south right-of-way line of Pioneer Avenue (50 feet wide), 35.45 feet east of the northeast corner of Lot 169 of Pioneer Land Company's First Subdivision, recorded in Volume 3 of Maps, at Page 34, Tulare County Records;

Thence, leaving the existing City Limit Line south $0^{\circ}15'45''$ west, a distance of 633.78 feet to a point located on the south line of the north half of Lot 170 of said Subdivision, 31.20 feet east of the southwest corner of said north half;

Thence, west along said south line 31.20 feet to the southwest corner of said North half, said corner also being the northeast corner of Tract No. 657 recorded in Book 34 of Maps, at Page 71, Tulare County Records;

Thence, south along the east line of Tract No. 657, a distance of 265.60 feet to the southeast corner of said Tract;

Thence, west along the south line of Tract No. 657, a distance of 626.34 feet to the southwest corner of Tract No. 657 and the east right-of-way line of Prospect Street (60 feet wide);

Thence, north along the east right-of-way line of Prospect Street, a distance of 900.41 feet to the south right-of-way line of Pioneer Avenue and an angle point in the existing City Limit Line;

Thence, east along the south right-of-way line of Pioneer Avenue and existing City Limit Line, a distance of 650.15 feet to the point of beginning.

ANNEXATION NO. 396

CITY OF PORTERVILLE

That portion of the South half of the Northeast quarter of Section 22, all in Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

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Thence, west along said south line 31.20 feet to the southwest corner of said North half, said corner also being the northeast corner of Tract No. 657 recorded in Book 34 of Maps, at Page 71, Tulare County Records;

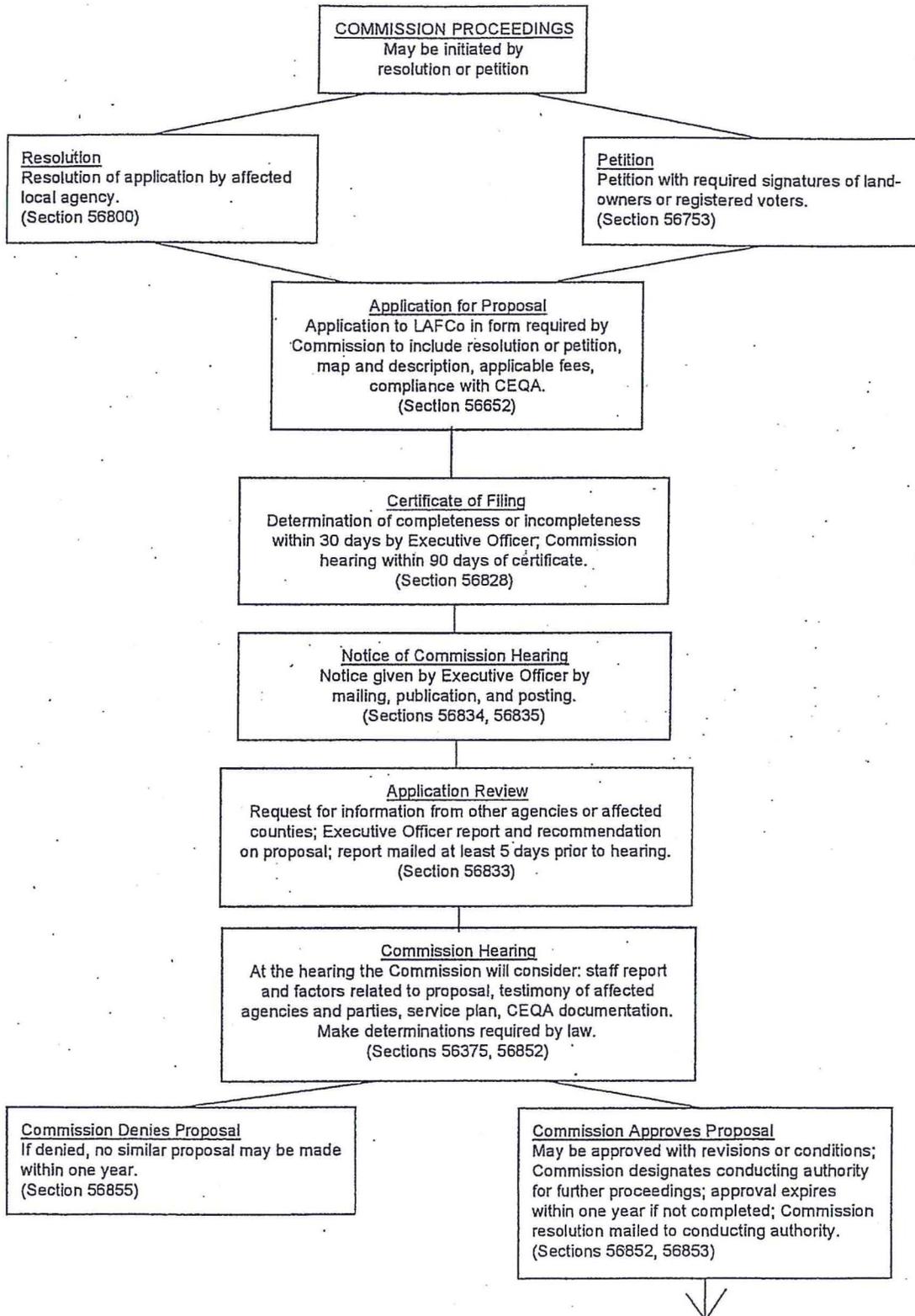
Thence, south along the east line of Tract No. 657, a distance of 265.60 feet to the southeast corner of said Tract;

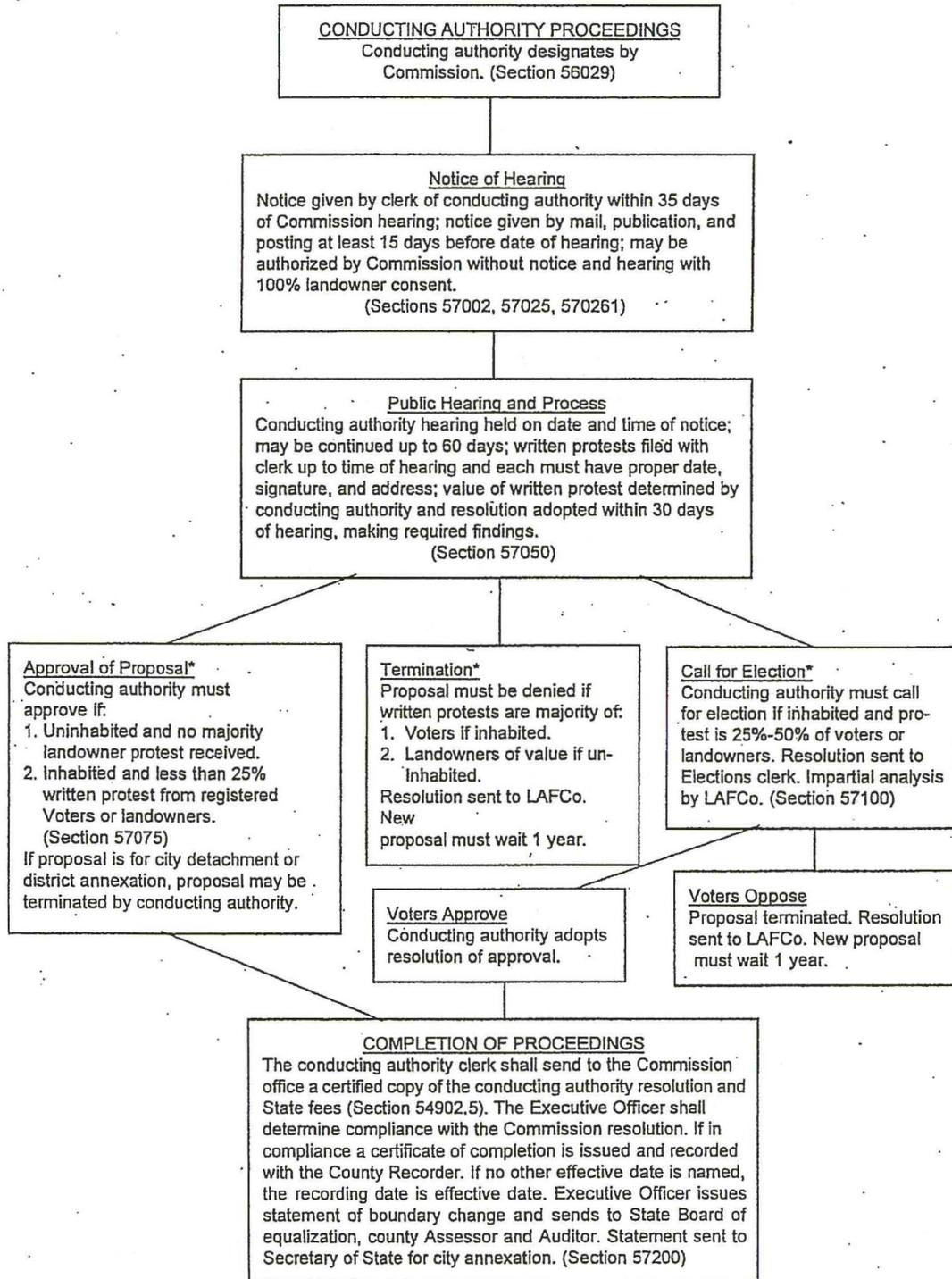
Thence, west along the south line of Tract No. 657, a distance of 626.34 feet to the southwest corner of Tract No. 657 and the east right-of-way line of Prospect Street (60 feet wide);

Thence, north along the east right-of-way line of Prospect Street, a distance of 900.41 feet to the south right-of-way line of Pioneer Avenue and an angle point in the existing City Limit Line;

Thence, east along the south right-of-way line of Pioneer Avenue and existing City Limit Line, a distance of 650.15 feet to the point of beginning.

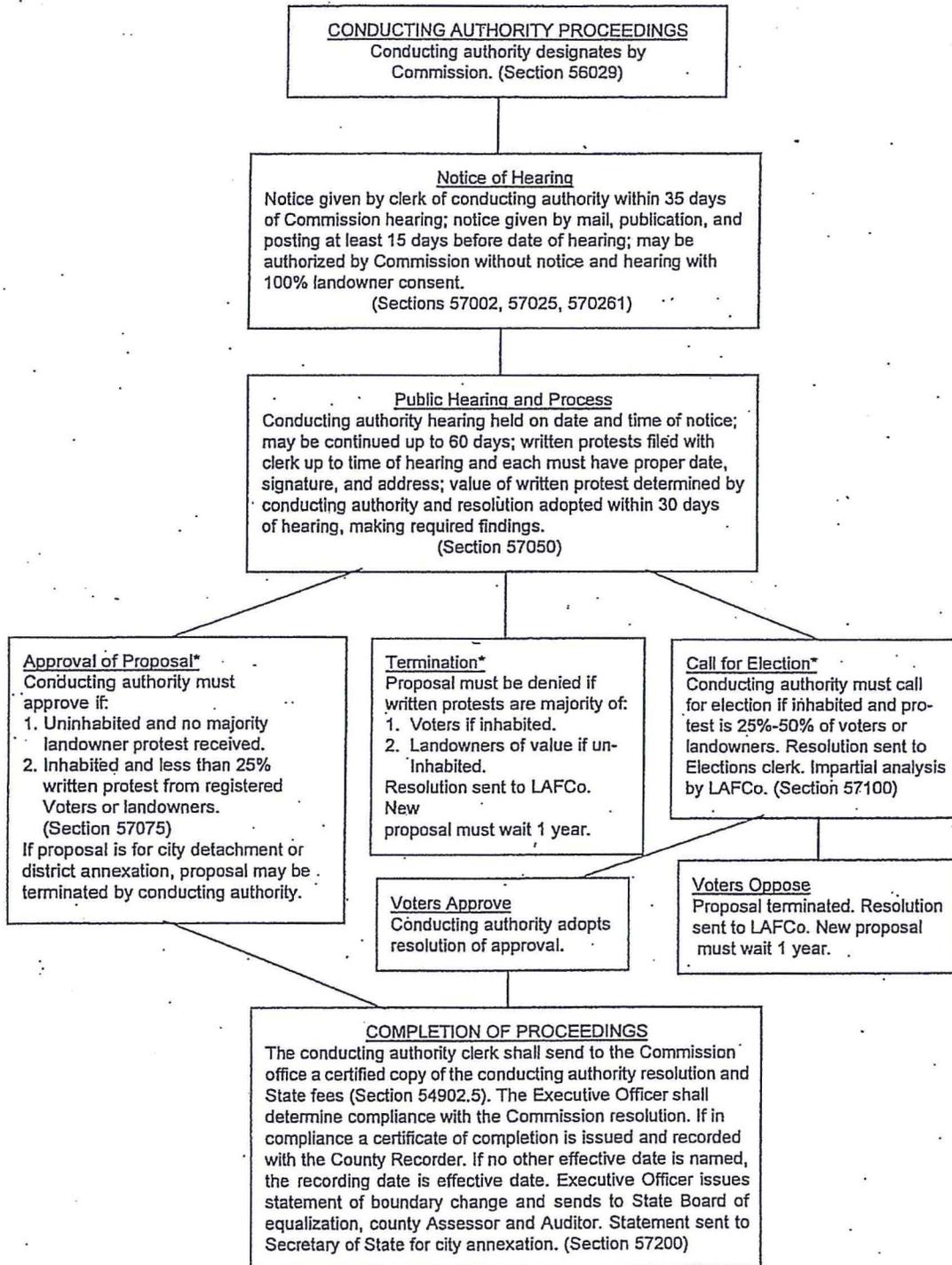
CORTESE-KNOX LOCAL GOVERNMENT REORGANIZATION ACT OF 1985
ANNEXATION/DETACHMENT/REORGANIZATION PROCEDURE DIAGRAM





All citations reference the California Government Code

* Protest provisions for changes of organization other than annexations, detachments, and reorganizations consisting solely of annexations and detachments are different. Please consult applicable section of the law. If terminated due to protest or failure at an election, the waiting period for an incorporation or city consolidation is two years.



All citations reference the California Government Code

* Protest provisions for changes of organization other than annexations, detachments, and reorganizations consisting solely of annexations and detachments are different. Please consult applicable section of the law. If terminated due to protest or failure at an election, the waiting period for an incorporation or city consolidation is two years.

PROJECT FLOW CHART

Annexation

Upon receipt of an annexation proposal, the material will be forwarded to the Project Review Committee for review and recommendation.

12-30 days

Upon receipt from Project Review Committee of the necessary application and data, the staff will prepare a report and findings on environmental aspects of the proposed annexation area.

7-21 days (Average)

Upon review of the Environmental Review Committee, a determination of environmental significance will be prepared in conformance with the California Environmental Quality Act.

2-4 weeks

Upon completion of the environmental document, the proposed annexation application will be forwarded to the Porterville City Council for its consideration and endorsement.

1-2 weeks

Upon receipt of an endorsement, documents will be filed in accordance with the Cortese-Knox Local Government Reorganization Act of 1985 to the Local Agency Formation Commission for their review, recommendations, and action.

1-2 months

Upon approval of the Local Agency Formation Commission, staff will forward recommendations and conditions to the City Council for its review and the consummation of annexation proposal.

Pre-Zoning (if applicable)

The applicant prepares all required information, and supporting documents for application of zone change.

The applicant submits all material to the Planning Division. The application is then scheduled for the Project Review Committee.

12-30 days

The Project Review Committee considers the completeness and conformity with City Codes and Ordinances in relation to the project. If the application is complete, the appropriate fees are collected and the project is scheduled for the Environmental Review Committee.

7-21 days (Average)

The Environmental Review Committee considers if any adverse impacts will be created by the proposed project. The committee will make a determination as to whether a negative declaration or environmental impact report is needed. The project is then scheduled for a City Council Public Hearing.

2-4 weeks

The City Council holds a public hearing to consider if the environmental findings and the proposed change in zone are consistent with City Policies and the General Plan. If the project is approved, the City Council will have a second reading at the next regularly schedule meeting of the Council. Upon consummation of the annexation, the zone change becomes effective.

MUNICIPAL SERVICES POLICY FOR UNINCORPORATED AREAS

I. GENERAL POLICY PROVISIONS

A. REQUESTS FOR SERVICES.

1. Application: Applications requesting approval to connect existing or proposed uses and improvements within the unincorporated environs of the Porterville Urban Area Boundary to the City of Porterville Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities; and, applications for Contractual Arrangements to provide other municipal services to unincorporated areas; shall be filed for presentation to the City Manager or his designee on forms provided by the City for that purpose, and such applications shall be accompanied by:
 - a.) An application processing fee as set forth in the Comprehensive Schedule of Community Development Fees adopted and periodically updated by resolution of the Porterville City Council; and,
 - b.) In the case of requests to connect to Municipal Water and/or Master Storm Drain Facilities, an Annexation Consent form executed by all owners of record to the property, or properties, proposed to be served.
2. Disposition: Upon receipt and consideration of applications to connect existing or proposed unincorporated uses and improvements to City of Porterville Facilities, or, to provide contractual municipal services, the City Manager or his designee, or the City Council may approve, conditionally approve, or deny such applications in accordance with the applicable policy provisions contained herein. In the event of denial, executed Annexation Consent Forms shall thereupon be returned to the applicant(s).

B. EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville (Contact the PVPUD for information on connection requirements and fees pertaining to sewer services). This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.
2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

C. RESTRICTIONS AND CONDITIONS

1. GENERAL PLAN CONSISTENCY:

- a.) Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan.
- b.) Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan shall be considered at the discretion of the City Manager or his designee, or the City Council, and may be subject to other restrictions hereafter noted.

MUNICIPAL SERVICES POLICY FOR UNINCORPORATED AREAS

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2. TIME LIMITATIONS: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
3. IMPROVEMENT PLANS: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
4. FEES: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

II. SPECIFIC FACILITY POLICY PROVISIONS

A. REGIONAL SEWAGE TREATMENT FACILITIES.

1. ANNEXATION: An annexation Application and/or Annexation Consent Form is not a requirement for connection and use of Regional Sewage Treatment Facilities.
2. SERVICE LIMITATIONS: Service connections are restricted to existing and proposed uses which do not exceed acceptable waste discharge requirements established by the City of Porterville.

B. MUNICIPAL WATER FACILITIES.

1. ANNEXATION

a.) Annexable Property -

Approval for any type water connection shall not be granted prior to LAFCO approval of an annexation application submitted by the applicant to the City in accordance with the Annexation Policy and payment of all pertinent fees.

b.) Annexable Property Exception -

- 1.) Approval for connection to Water facilities may be granted for existing structures and/or for a vacant lot that will allow only one single family residence subject to the payment of pertinent fees (I.C.4), the conditions outlined in Request for Services (I.A.), and Restrictions and Conditions (I.C.).
- 2.) Approval for connection to Water facilities may be granted for those areas of development or potential development where the City of Porterville has taken over the operation of privately owned water systems. Approval shall be subject to conditions outlined in Request for Services (I.A.), payment of all pertinent fees (I.C.4) and Restrictions and Conditions (I.C.). All subdividing; lot splitting type activities proposed after the effective date of this policy will be processed under conditions listed in Annexation (II.B.1.a.) or (II.B1.c.).

c.) Non-Annexable Property -

Approval for connection to water facilities may be granted for those areas physically unannexable subject to Request for Services (I.A.), Restrictions and Conditions (I.C.), Fees (I.C.4.) and additional conditions deemed necessary to guarantee development that will meet City Development Standards including zoning requirements. Approval may also include a time restriction per Time Limitations (I.C.2.).

C. MASTER STORM DRAIN FACILITIES

1. ANNEXATION

a.) Annexable Property -

Approval for any type storm drain connection shall not be granted prior to LAFCO approval of an annexation application submitted by the applicant to the City in accordance with the Annexation Policy and payment of all pertinent fees.

b.) Annexable Property Exception -

- 1.) Approval for connection to storm drain facilities may be granted for existing structures and/or for a vacant lot that will allow only one single family residence subject to the payment of pertinent fees (I.C.4) the conditions outlined in Request for Services (I.A.) and Restrictions and Conditions (I.C.).
- 2.) Approval for connection to Storm Drain facilities may be granted for those areas of development or potential development where the City of Porterville has taken over the operation of previously installed storm drain systems. Approval shall be subject to conditions outlined in Request for Services (I.A.), payment of all pertinent fees (I.C.4.) and Restrictions and conditions (I.C.).

c.) Non-Annexable Property -

Approval for connection to storm drain facilities may be granted for those areas physically unannexable subject to Request for Services (I.A.), Restrictions and Conditions (I.C.), Fees (I.C.4.), and additional conditions deemed necessary to guarantee development that will meet City Development Standards including zoning requirements. Approval may also include a time restriction per Time Limitations (I.C.2.).

D. CONTRACT SERVICES

1. PUBLIC SAFETY

- a.) Police Department
- b.) Fire Department

2. INSPECTION SERVICES

- a.) Public Works Inspection
- b.) Building Inspection.

c.) Non-Annexable Property -

Approval for connection to water facilities may be granted for those areas physically unannexable subject to Request for Services (I.A.), Restrictions and Conditions (I.C.), Fees (I.C.4.) and additional conditions deemed necessary to guarantee development that will meet City Development Standards including zoning requirements. Approval may also include a time restriction per Time Limitations (I.C.2.).

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D. CONTRACT SERVICES

1. PUBLIC SAFETY

- a.) Police Department
- b.) Fire Department

2. INSPECTION SERVICES

- a.) Public Works Inspection
- b.) Building Inspection.

ORDINANCE NO. 1564

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 25, ARTICLE I
OF THE PORTERVILLE CITY CODE BY AMENDING
SECTIONS 25-16, AND BY THE ADDITION THERETO OF
SECTION 25-16.2 AND CHAPTER 25, ARTICLE II
OF THE PORTERVILLE CITY CODE BY
AMENDING SECTION 25-36.1 AND BY THE ADDITION
THERETO OF SECTION 25-36.2 RESPECTIVELY RELATING
TO CONNECTION TO CITY WATER AND/OR SEWER
OUTSIDE THE CITY LIMITS

The Council of the City of Porterville does ordain as follows:

Section 1: That Chapter 25 Article I of the Porterville City Code Section 25-16 Water service outside the city: rate be amended as follows and the addition of Section 25-16.2 as follows:

Sec. 25-16 Water service outside the city: rate

Except as provided by Section 25-16.2 pertaining to water connections outside city limits, the city council may, at its option and sole discretion, elect to make available water services to inhabitants outside the boundaries of the city and under such rules and regulations as the city council may, at its discretion, determine, and discontinue such service at its option and election; and at such rates and under such conditions as the city council may elect; provided, however, that water consumers receiving such service outside of the city shall be required to pay for such service at a service rate fixed and established for such consumers.

Sec. 25-16.2 Approval for water service outside city limits

The City Manager, or his/her designee, shall have authority for the administrative approval of requests for water service outside city limits, if applicant meets all other conditions as required by the Porterville City Code and the Annexation Policy Manual and all other pertinent regulations. Consideration of said request shall be in conjunction with approval of required City permits and payment of applicable fees.

Section 2: That Chapter 25 Article II of the Porterville City Code Section 25-36.1 Service to inhabitants outside city boundaries: charges paragraph one (1) be amended as follows and add Section 25-36.2.:

Sec. 25-36.1 Service to inhabitants outside city boundaries: charges

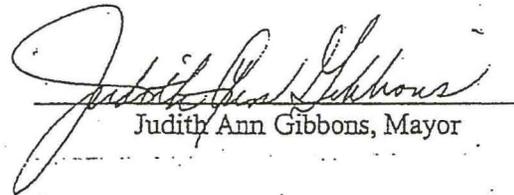
Except as provided by Section 25-36.2 pertaining to sewer connections outside city limits, the city council may, at its option and sole discretion, elect to make available sewer services to inhabitants outside the boundaries of the city and under such rules and regulations as the city council may, at its discretion, determine, and discontinue such service at its option and election. Said service shall be made available only to the owners of the property to be served.

Sec. 25-36.2 Approval for sewer service outside city limits

The City Manager, or his/her designee, shall have authority for the administrative approval of requests for sewer service outside city limits, if applicant meets all other conditions as required by the Porterville City Code and the Annexation Policy Manual and all other pertinent regulations. Consideration of said request shall be in conjunction with approval of required City permits and payment of applicable fees.

Section 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

ATTEST:


Judith Ann Gibbons, Mayor


C. G. Huffaker, City Clerk

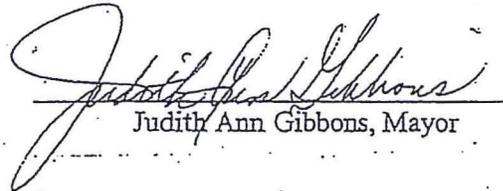
Sec. 25-36.1 Service to inhabitants outside city boundaries: charges

Except as provided by Section 25-36.2 pertaining to sewer connections outside city limits, the city council may, at its option and sole discretion, elect to make available sewer services to inhabitants outside the boundaries of the city and under such rules and regulations as the city council may, at its discretion, determine, and discontinue such service at its option and election. Said service shall be made available only to the owners of the property to be served.

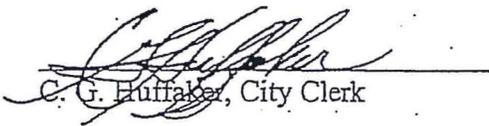
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Section 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.


Judith Ann Gibbons, Mayor

ATTEST:


C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance #1564, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 1st day of December, 1998, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 31st day of December, 1998, and said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCIL:	IRISH	GURROLA	LEAVITT	CHOATE	GIBBONS
AYES:	X	X	X	X	X
NOES:					
ABSENT:					
ABSTAIN:					

C. G. HUFFAKER, City Clerk

By Georgia Hawley
Georgia Hawley, Deputy City Clerk

RESOLUTION NO. 34-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE SETTING MUNICIPAL SERVICES
PROCESSING FEE

BE IT HEREBY RESOLVED by the City Council of the City of
Porterville that the following Municipal Services Processing Fees
are hereby adopted:

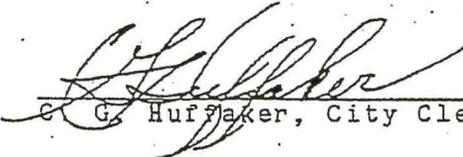
- 1) \$50.00 per lot for single family residences
(developed or undeveloped)
- 2) \$50.00 per unit for existing structures
(Apartment Complexes, Commercial and Industrial).
- 3) \$50.00 per acre for Residential, Commercial and
Industrial projects; but not to exceed the total
cost for processing an annexation (unannexable areas).

said fees shall become effective April 2, 1986.



Nero Pruitt, Mayor.

ATTEST:



G. Huffaker, City Clerk

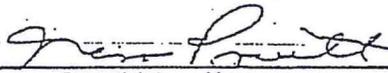
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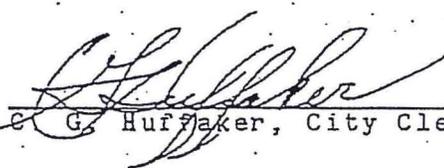
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Industrial projects; but not to exceed the total
cost for processing an annexation (unannexable areas).

said fees shall become effective April 2, 1986.



Nero Pruitt, Mayor.

ATTEST:



G. Huffaker, City Clerk

Policies and Procedures

Tulare County Local Agency Formation Commission

Policy Number: C-6

Effective Date: *February 6, 2002*

Authority: *Government Code §56133, LAFCO Resolutions 94-007, 01-006, 02-006*

Title: Extraterritorial Service Agreements

Policy: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes LAFCO approve proposals to extend services beyond the jurisdictional boundary of a local agency, where the territory subject to receiving such services is within the affected agency's sphere of influence in anticipation of a later change of organization.

Purpose: To set clear standards for applying state and local laws governing the extension of services beyond the jurisdictional boundaries of the provider agency.

Scope: This procedure applies to proposals LAFCO receives seeking the extension of services beyond the jurisdictional boundaries of the provider agency.

Procedure:

- 6.1. The commission has determined that those proposals which meet the following criteria may be approved by the Commission
 - A. The affected territory is within the subject agency's sphere of influence.
 - B. The affected territory is ineligible for near-term annexation for reasons outside the control of the provider-agency or deteriorated public health or safety conditions within the affected territory justify an emergency extension of services.
 - C. The provider-agency has completed a California Environmental Quality Act review for the proposed extension of services.
 - D. The provider-agency has submitted a complete application and processing fees to LAFCO
 - E. There is a demand or need for the extension of such services at the time at which the extension is brought to the Commission for review.
- 6.2. The LAFCO Executive Officer is authorized to review and approve or deny, on behalf of the Commission, proposals by cities and special districts to extend services beyond their jurisdictional boundaries, where the proposed extension

**ATTACHMENT
ITEM NO. 2**

area is within the adopted sphere of influence of the affected local agency and to services which are already provided by the local agency within the agency's adopted boundary.

- 6.3. The LAFCO Executive Officer is authorized and required, upon application, to set a public hearing for the consideration, by the Commission, of any proposal by a city or district to extend service outside the agency's sphere of influence, or to extend to territory outside the agency's boundary a service which is not already provided by the local agency within the agency's jurisdictional boundary.
- 6.4. The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:
 - A. The entity applying for the contract approval has provided the commission with the documentation of a threat to the health and safety of the public or the affected residents.
 - B. The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.
- 6.5. Fees- refer to policy B-2

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the City of Porterville to annex to said City of Porterville.”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extraterritorial services.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City Council to consider annexation proposals and extraterritorial service requests only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.

**ATTACHMENT
ITEM NO. 3**

2. It shall be the policy of the City of Porterville to consider annexation proposals and extraterritorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
3. It shall be the policy of the City Council to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
4. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
5. It shall be the policy of the City Council that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
6. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
7. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
8. It shall be the policy of the City Council to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
9. It shall be the policy of the City Council that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.

PASSED, APPROVED AND ADOPTED this _____ day of September, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY _____

Patrice Hildreth, Chief Deputy City Clerk



Submittal Requirements for Irrevocable Agreement to Annex to the City of Porterville

The following items are to be submitted at the time of application. However, prior to actual filing, all applicants are encouraged to contact the Planning Division of the Community Development Department at (559) 782-7460 or planning@ci.porterville.ca.us to schedule a pre-filing meeting at which time a planner can provide assistance regarding form and content of review submittals as well as information regarding City codes and policies.

The following items are to be submitted with this application. Please see attached application for details.

1. Completed application form;
2. Filing fees;
3. Legal description of land parcel(s);
4. Copy of recorded Grand Deed(s).

**ATTACHMENT
ITEM NO. 4**

Recording Requested by and
Upon Recordation return to:
City of Porterville
ATTN: Community Development Department
291 N Main Street
Porterville, CA 93257

IAA# _____

IRREVOCABLE AGREEMENT TO ANNEX TO THE CITY OF PORTERVILLE

This agreement is made this ____ day of _____, 20____, between _____ hereinafter referred to as "Owner," and the City of Porterville, hereinafter referred to as "City."

WHEREAS, Owner is the owner of the real property consisting of approximately ____ gross acres located at _____, Porterville, California, and is further described as follows: See attached legal description being further described as Assessor's Parcel Number _____.

WHEREAS, Owner requires use of the City (Sewer/Water/Storm Drain) system and the right to connect to the existing (Sewer/Water/Storm Drain) main which is contiguous to said property; and

WHEREAS, Owner is willing to permit the annexation of its property to the City of Porterville; and

WHEREAS, the City is willing to consent to the connection of said property to the (Sewer/Water/Storm Drain) main only on the condition that Owner permit said annexation to the City at the earliest possible time; and

WHEREAS, the City may proceed with the annexation of Owner's property plus other property, but said annexation will cause delay, which delay would create a substantial hardship for Owner.

NOW, THEREFORE, OWNER DOES AGREE AS FOLLOWS:

1. Owner hereby gives its irrevocable consent to annexation of its property to the City at such time as the annexation may be properly approved through appropriate legal proceedings, and Owner does further agree to provide all reasonable cooperation and assistance to the City in the annexation proceedings. Said cooperation is contemplated to include signing any applications or consent prepared by the City and submitting any evidence reasonably within the control of Owner to the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of Owner to institute any litigation or judicial proceedings whatsoever to compel annexation to the City.
2. The City hereby agrees to authorize the connection of said property to the City's (Sewer/Water/Storm Drain) main located in _____.
(identify street name)
3. Upon annexation, Owner agrees to pay such annexation fees and cost as would ordinarily be charged on the annexation of property to the City.
4. Owner shall pay all fees and charges and make all deposits required by City to connect to and use the (Sewer/Water/Storm Drain). Those fees shall include, but not be limited to, the following:

- Connection Permit Fee = \$
- _____ Deposit = \$
- Connection charge = \$
- Facilities fee = \$
- LAFCo fee = \$
- Extraterritorial Service Agreement fee = \$

Said fees shall be valid for a period of one year from the date of execution of this Agreement and shall be paid prior to the issuance of a (Sewer/Water/Storm Drain) connection permit. Fees paid after one year of the date of execution of this Agreement shall be subject to the fee amount in effect at that time. Owner also agrees to pay any additional fees that may be charged by the Local Area Formation Commission (LAFCo). Owner agrees to be bound by all City ordinances, rules, and regulations respecting the (Sewer/Water/Storm Drain) system.

5. This agreement shall be recorded.
6. Owner executes this agreement on behalf of itself, its successors and assigns, and said Agreement shall be irrevocable without the prior written consent of both parties hereto.

Executed this ____ day of _____, 20 ____

Owner: _____

By: _____

CITY:

The City Clerk and Mayor of the City of Porterville have been authorized to execute this Agreement on behalf of the City of Porterville

 City Clerk of the City of Porterville

 Mayor of the City of Porterville