



Item No. 9 (I)

AMENDED REPORT TO THE CITY COUNCIL

DATE: APRIL 14, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

RE: SUPPLEMENTAL INFORMATION REGARDING AGENDA ITEM NO. 9 (I) CONSIDERATION OF APPLICATIONS REQUESTING APPROVAL BY THE MONTEREY COUNTY LOCAL AGENCY FORMATION COMMISSION TO AMEND THE CITY'S SPHERE OF INFLUENCE AND TO ALLOW THE CITY TO PROVIDE WASTEWATER SERVICES TO THE GILL AGRICULTURAL HOUSING PROJECT (ASSESSOR PARCEL NO. 235-072-023-000)

RECOMMENDATION:

It is recommended the City Council adopt the attached amended Resolution No. 2020-4759 authorizing submittal of a minor Sphere of Influence ("SOI") application to the Monterey County Local Agency Formation Commission ("LAFCO") and adopt the attached amended Resolution No. 2020-4758 requesting LAFCO permit district operation of wastewater treatment services outside the City's jurisdiction.

BACKGROUND

After the release of the Staff Report, there have been a few amendments, which are as follows:

1. Change in project description in the Staff Report, as follows:

Amend Background section to read:

*"The Lonoak area has been identified as an ideal location for building agricultural employee housing. David Gill wants to build twelve (12) agricultural employee housing units **to accommodate a maximum of ninety-six (96) people** ~~thirty-six (36) beds~~ in the unincorporated area and across the street from College Ville."*

CITY COUNCIL
APRIL 14, 2020 (AMENDED)
SUPPLEMENTAL INFORMATION REGARDING AGENDA ITEM NO. 9 (I)
CONSIDERATION OF APPLICATIONS REQUESTING APPROVAL BY THE
MONTEREY COUNTY LOCAL AGENCY FORMATION COMMISSION TO AMEND
THE CITY'S SPHERE OF INFLUENCE AND TO ALLOW THE CITY TO PROVIDE
WASTEWATER SERVICES TO THE GILL AGRICULTURAL HOUSING PROJECT
(ASSESSOR PARCEL NO. 235-072-023-000)
PAGE 2 OF 2

Amend the Discussion section to read:

"David Gill wishes to construct twelve (12) employee housing units to accommodate a maximum of ninety-six (96) people, with thirty-six (36) beds pursuant to the Farm Worker Housing Act of 2019 (AB 1783) in the unincorporated area."

2. Amend Resolution No. 2020-4758:

a. Add an additional paragraph after paragraph 8, as follows:

"WHEREAS, the applicant is proposing twelve (12) units with up to ninety-six (96) people, which is the maximum the City will consider providing service to at this time; and"

b. Modify new paragraph 11 (formerly paragraph 10), as follows:

"WHEREAS, the wastewater treatment service area subject to this application is described as Gill Farmworker Housing project, ~~and~~ as shown on Exhibit 1, or as amended by LAFCO; and"

3. Amend Resolution No. 2020-4759:

a. Modify the second paragraph, as follows:

"WHEREAS, the City desires to initiate proceedings with the Monterey County Location Agency Formation Commission ("LAFCO"), pursuant to the Cortese-Knox- Hertzberg Local Government Reorganization Act of 2000, commencing with Cal Government Code §56000 of the California Government Code, as the same may be amended from time to time, for the amendment of the City's Sphere of Influence ("SOI") to include Assessor Parcel No. 235-072-023-000, ~~and~~ as outline on Exhibit 1, or as amended by LAFCO; and"

b. Add an additional paragraph after paragraph 7, as follows:

"WHEREAS, the applicant is proposing twelve (12) units with up to ninety-six (96) people, which is the maximum the City will consider providing service to at this time; and"

CITY COUNCIL

APRIL 14, 2020 (AMENDED)

**SUPPLEMENTAL INFORMATION REGARDING AGENDA ITEM NO. 9 (I)
CONSIDERATION OF APPLICATIONS REQUESTING APPROVAL BY THE
MONTEREY COUNTY LOCAL AGENCY FORMATION COMMISSION TO AMEND
THE CITY'S SPHERE OF INFLUENCE AND TO ALLOW THE CITY TO PROVIDE
WASTEWATER SERVICES TO THE GILL AGRICULTURAL HOUSING PROJECT
(ASSESSOR PARCEL NO. 235-072-023-000)**

PAGE 2 OF 2

Exhibits:

1. Amended Resolution No. 2020-4758
2. Amended Resolution No. 2020-4759

RESOLUTION NO. 2020-4758

A RESOLUTION OF APPLICATION BY KING CITY REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY TO APPROVE AN EXTENSION OF CITY WASTEWATER COLLECTION SERVICES OUTSIDE CITY JURISDICTION (ASSESSOR PARCEL NO. 235-072-023-000)

WHEREAS, King City ("City") is a duly formed Charter city pursuant to Cal Government Code §34450 et seq, which provides wastewater treatment services ("Services"); and

WHEREAS, the City desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Cal Government Code §56000, that permit the City to operate certain services outside the City's jurisdictional boundaries; and

WHEREAS, the Farmworker Housing Act (AB 1783) deems employee housing consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces are considered an agricultural land use and prohibits requirement of a conditional use permit or other zoning clearances for employee housing; and

WHEREAS, David Gill, Applicant for the Gill Farmworker Housing project wishes to construct employee housing in the unincorporated area; and

WHEREAS, the Gill Farmworker Housing project site has no sewer service at this time; and

WHEREAS, the City and Applicant for the Gill Farmworker Housing project are concerned about the threat to the health and safety of the users of the septic system; and

WHEREAS, on January 9, 2018, the City and Thomas Salcido, entered into an Extraterritorial Wastewater Service Agreement (2018005573) to serve Colledgeville, which is directly across Lonoak Road from the subject site; and

WHEREAS, on March 12, 2020, the City, Monterey County and LAFCO officials and the Applicant met and agreed that a Sphere of Influence Amendment including the subject property is appropriate and that the City could provide wastewater treatment service without annexing the property; and

WHEREAS, the applicant is proposing twelve (12) units with up to ninety-six (96) people, which is the maximum the City will consider providing service to at this time; and

WHEREAS, prior to the City providing extraterritorial wastewater service, the Applicant for the Gill Farmworker Housing project shall enter into an Extraterritorial Wastewater Service Agreement with the City; and

WHEREAS, the wastewater treatment service area subject to this application is described as Gill Farmworker Housing project, as shown on **Exhibit 1**, or as amended by LAFCO; and

WHEREAS, a First Street Bypass Road is proposed near the site development, as shown on **Exhibit 2** and setbacks should be provide from said road; and

WHEREAS, on April 14, 2020, a Resolution authorizing a Sphere of Influence Amendment submittal to LAFCO has been adopted by the City Council; and

WHEREAS, the principal reason for this proposed action is to connect to the City's wastewater treatment plant.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the City Council as follows:

1. A Resolution of Application is hereby adopted and approved, and the City Manager of the City is authorized to prepare and submit an application requesting that the Local Agency Formation Commission of Monterey take and initiate proceedings to permit the City to provide wastewater treatment service to the Gill Farmworker Housing project, as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The City Manager is also authorized to move specifically delineate the proposed service area of Gill Farmworker Housing project, if required.
2. Pursuant to the California Environmental Quality Act ("CEQA"), the California Public Resources Code §21000 et seq., and the "CEQA Guidelines" promulgated thereunder, Title 14 of the California Administrative Code, §15000 et seq., the City Council finds and declares that this application is categorically exempt from the dictates of CEQA, and specifically pursuant to CEQA Guidelines §15061 (b)(3), §15319 and §15320 which apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have significant adverse effect on the environment, and the action consists solely in the City's providing wastewater treatment service.
3. The City Manager is authorized to prepare and submit such additional documents and notices, including any notices required by CEQA or LAFCO regulations and rules, to fully implement the intent of this Resolution.

PASSED AND ADOPTED by the City Council of King City on the **14 April 2020**, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mike LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Roy Santos, City Attorney

RESOLUTION NO. 2020-4759

A RESOLUTION OF THE CITY OF KING CITY COUNCIL REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR AN AMENDMENT TO THE SPHERE OF INFLUENCE FOR AN AREA ALONG LONOAK ROAD (ASSESSOR PARCEL NO. 235-072-023-000)

WHEREAS, King City ("City") is a duly formed Charter city pursuant to Cal Government Code §34450 et seq, which provides wastewater treatment services ("Services"); and

WHEREAS, the City desires to initiate proceedings with the Monterey County Location Agency Formation Commission ("LAFCO"), pursuant to the Cortese-Knox- Hertzberg Local Government Reorganization Act of 2000, commencing with Cal Government Code §56000 of the California Government Code, as the same may be amended from time to time, for the amendment of the City's Sphere of Influence ("SOI") to include Assessor Parcel No. 235-072-023-000, as outline on **Exhibit 1**, or as amended by LAFCO; and

WHEREAS, the subject parcel (Assessor Parcel No. 235-072-023-000) is adjacent to the City and David Gill, Applicant for the Gill Farmworker Housing project, wishes to construct employee housing pursuant to the Farmworker Housing Act (AB 1783) in the unincorporated area; and

WHEREAS, a First Street Bypass Road is proposed near the site development, as shown on **Exhibit 2** and setbacks should be provide from said road; and

WHEREAS, on March 12, 2020, the City, Monterey County and LAFCO officials and the Applicant met and agreed that a Sphere of Influence Amendment including the subject property is appropriate and that the City could provide wastewater treatment service without annexing the property; and

WHEREAS, the proposal is consistent with the City's General Plan supporting the development of agricultural employee housing; and

WHEREAS, the City Council ("Council") adopted Resolution No. 2020-4758 requesting LAFCO allow the City to provide wastewater treatment services to the subject parcel; and

WHEREAS, the applicant is proposing twelve (12) units with up to ninety-six (96) people, which is the maximum the City will consider providing service to at this time; and

WHEREAS, on April 14, 2020, the Council conducted review of the amendment to the SOI and authorizes the City Manager to request LAFCO amend the City's Sphere of Influence amendment to include the subject site and to take all actions and execute all documents as may be necessary or appropriate to give effect to this Resolution; and

WHEREAS, is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Section 15320, Class 20, (Changes in Organization of Local Agencies).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of King, after consideration of the information contained in the April 14, 2020 staff report, hereby authorizes the City Manager to file a Sphere of Influence amendment application with LAFCO and take all actions and execute all documents as may be necessary or appropriate to give effect of this Resolution.

PASSED AND ADOPTED by the City Council of King City on the **14 April 2020**, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Mike LeBarre, Mayor

ATTEST:

Steven Adams, City Clerk

APPROVED AS TO FORM:

Roy Santos, City Attorney