

PLACER LOCAL AGENCY FORMATION COMMISSION

Robert Weygandt, Chair (County); Gray Allen, Vice-Chair (District); Jim Holmes (County); Bill Kirby (City); E. Howard Rudd, (Public); Ron Treabess (District); Miguel Uçovich (City)

REGULAR HEARING AGENDA April 8, 2015--4:00 p.m. Board of Supervisors' Chambers County Administrative Building 175 Fulweiler Avenue, Auburn, CA 95603

- 1. Flag Salute**
- 2. Call to Order and Roll Call**
- 3. Approval of Agenda** (Action item)
- 4. Public Comment:** This is the time when persons may address the Commission on items not on the agenda. Please limit comments to three (3) minutes as the Commission is not permitted to take any action on items presented as public comment.
- 5. Approval of Minutes:** From the February 11, 2015 hearing. (Action item, pg. 2)
- 6. Brewer Out of Agency Sewer Extension:** The Commission will be asked to approve an agreement for an out of area service extension to allow South Placer Municipal Utility District to provide sewer service the Brewer parcel (Penryn area). (Action item, pg. 4)
- 7. Selection of Chair and Vice Chair for 2015-2016** (to be seated at next LAFCO meeting): (Action item, pg. 15))
- 8. Selection of Public Member for 2015-2016 term** (to be seated at next LAFCO meeting) (Action item, pg. 18)
- 9. Olympic Valley Incorporation proposal:** (pg. 19)
 - a. Authorize Executive Officer to execute Contract with Consultant for preparation of the Environmental Impact Report
 - a. Status update on the proposed Incorporation of Olympic Valley proposal.
 - c. Take Public Comment on Olympic Valley proposal.
- 10. Executive Officer Reports:**
 - Legislative Committee
 - Proposal Status
 - Status of Municipal Service Reviews
 - CALAFCO activities
- 11. Commissioner Reports:**
- 12. Adjournment:**

For further information or to provide written comments on any item on the agenda, please contact the Placer LAFCO. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Placer LAFCO office at 110 Maple Street, Auburn, CA 95603 during normal business hours. Phone: (530) 889-4097. Placer LAFCO is committed to ensuring that persons with disabilities are provided the resources to participate in its meetings. If you require a disability-related accommodation, please contact the Clerk to the Commission at least two business days prior to the meeting date.

PLACER LOCAL AGENCY FORMATION COMMISSION

Robert Weygandt, Chair (County); Gray Allen, Vice-Chair (District); Jim Holmes (County); Bill Kirby (City); E. Howard Rudd, (Public); Ron Treabess (District); Miguel Ucovich (City)

**MINUTES
February 11, 2015**

1. Flag Salute was led by Commissioner Rudd
2. Call to Order and Roll Call: Chairman Weygandt called the hearing to order at 4:05 p.m. Commissioners present and seated: Allen, Treabess, Rudd, Holmes, Ucovich, Kirby (arrived at 4:18 p.m.) and Weygandt. Staff present: Executive Officer Kris Berry, LAFCO Counsel Bill Wright, and Commission Clerk Linda Wilkie.
3. Approval of Agenda: The agenda was approved as submitted by motion. Treabess/Ucovich/6:1 (Kirby absent)
4. Public Comment: There was no public comment on any items not listed on the agenda.
5. Approval of Minutes from the December 10, 2014 hearing. The minutes were approved as submitted by motion. Holmes/Allen/6:1 (Kirby absent)
6. Olympic Valley Incorporation proposal:
 - a. Status update on the proposed Incorporation of Olympic Valley: Ms. Berry stated that the preparation of the Comprehensive Fiscal Analysis is still under way. She gave a presentation to the Tahoe Breakfast Club regarding the incorporation, and that a request for proposals for the Environmental Impact Report is due next Tuesday (2/17/15).

Commissioner Kirby is seated (4:18 p.m.)

b. Appoint Commissioners to serve on the Selection Committee for a Consultant to prepare an Environmental Impact Report for the Incorporation Proposal: Commissioners Rudd and Weygandt were appointed to be on the committee by motion. Holmes/Kirby/6:1 /Treabess abstained.

c. Take Public Comment on Olympic Valley proposal:

Dr. Fred Ilfeld, Incorporate Olympic Valley, requested to have a member from his group on the committee to select the environmental consultant.

LAFCO Counsel Bill Wright informed Dr. Ilfeld if the IOV was allowed in the selection process, then LAFCO would also have to allow someone from the opponents groups side on the committee as well.

Katherine Rees, Squaw Valley Homeowners Association, handed out a comment page and stated that in response to the comments that counsel made that she was in agreement. She stated that the Association opposes the incorporation and questioned what the actual boundary is and asked that the Squaw Valley Lodge along with others be excluded from the incorporation. She also questioned if the Comprehensive Financial Analysis, when completed would address the source of revenue for the city, namely the TOT funds and would taxpayers have to make up any shortfall in a lean economic year.

Ms. Rees stated that approximately 6 months ago, the Squaw Valley Homeowners Association sent a letter to LAFCO asking to be removed from the incorporation boundaries and wanted to know what the status of that request is.

Mr. Wright informed Ms. Rees that a petition has been submitted to LAFCO for processing with defined boundaries. LAFCO is required to hold a public hearing on those boundaries. LAFCO does not have the authority to change those boundaries mid project. He said it is possible that there may be a change at hearing.

Ms. Berry said that it was agreed that in the Comprehensive Fiscal Analysis that LAFCO would study an alternative boundary but it has not been defined yet.

Michael Garabedian, Friends of North Fork, handed out written comments and stated that the association had no position on the incorporation but felt that it could significantly impact the North Fork at the American River. Mr. Garabedian stated regarding the Squaw Valley incorporation, he wished to talk about the impacts on the head waters of the North Fork. He questioned the boundary and the sphere of influence. He had concerns that in the future there could be a cherry stem annexation into the North Fork 10 to 40 years in the future.

LAFCO Counsel Bill Wright stated that Mr. Garabedian's comments would be more appropriate at the time LAFCO issues the draft EIR and the EIR. He said that LAFCO is not considering what the full extent of what the impacts are going to be today.

Mr. Garabedian stated that he wanted to inform the Commission of the concerns. He felt there was a potential for sprawl. He also had a concern with fire and what is the potential impact if more ski resorts decide to incorporate.

7. Adopt Conflict of Interest Code. The Commission was asked to adopt a current Conflict of Interest Code with amended language distributed by staff: Approved as submitted by motion. Rudd/Holmes/7:0

8. Executive Officer Reports:

Legislative Committee: Ms. Berry informed the Commission that she and Commissioner Kirby are on the Legislative Committee for CALAFCO. She said that the Committee is working on revising disincorporation procedures.

Proposal Status: Currently working on the incorporation, however working with Rocklin on an island annexation and within Nevada Irrigation District with multiple annexations. Also working with Lincoln on the Village 1 annexation, and an annexation with PCWA and Northstar.

Status of Municipal Service Reviews: The Fire MSR should be received soon.

CALAFCO activities: Nevada LAFCO is hosting the staff workshop and Sacramento LAFCO will be holding the Fall Conference.

9. Commissioner Reports: Commissioner Holmes met with Fire Districts regarding funding.

10. Adjournment: Chairman Weygandt adjourned the hearing at 5:05 p.m.

PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION

110 Maple Street, Auburn California 95603

530-889-4097

Email: lafco@placer.ca.gov

STAFF REPORT

DATE: April 1, 2015

TO: Chairman Weygandt, Commissioners Allen, Holmes, Kirby, Rudd, Treabess, Ucovich. Alternate Commissioners Duran, Gray, Nader, Sheehan.

FROM: Kris Berry, AICP, Executive Officer 

SUBJECT: Brewer/South Placer Municipal Utility District out of Service Extension Request

Summary:

This proposal would allow the extension of sewer services from the South Placer Municipal Utility District (SPMUD) to a residence proposed by David and Rachelle Brewer in the Penryn area. The property is located at 2392 Swetzer Road. Extension of services to an area outside of the district are allowed by the Cortese-Knox-Hertzberg Act (§56133) if the area is within the Sphere of Influence of the district.

The Brewer property, consisting of approximately 7.67 acres, although not located in the SPMUD, is within the sphere of influence of the district. A SPMUD pipeline runs beneath Swetzer road, immediately adjacent to the property. Placer County Code requires connection of a residence to sewer if the property is within 300 feet of a sewer connection point of any boundary of the property. Thus, the Brewers are unable to utilize a septic system on the property and are requesting sewer service.

Section 56133 of the Cortese-Knox-Hertzberg Government Reorganization Act of 2000 allows out of service extensions within the sphere of influences if

- (a) *A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.*
- (b) *The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.*

The proposed agreement between the SPMUD and the Brewers is attached as Exhibit "2." It is scheduled for approval by the SPMUD on April 2, 2015, after the preparation of this report.

We have placed this on the agenda prior to the agreement approval to facilitate the ability for construction permits being issued for the Residence without further delay.

Recommended Action:

1) It is recommended that the Commission authorize the South Placer Municipal Services District to provide sewer service Brewer property for the construction for a Single Family Residence pursuant to the resolution attached as Exhibit "1." As a condition of approval, the property will be required to annex into the South Placer Municipal Services District at such time as feasible.

Environmental Analysis:

The proposed connection is Categorical Exempt from the California Environmental Quality Act pursuant to §15319 "(b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures."

Attachments:

- Exhibit 1 Resolution of approval
- Exhibit 2 South Placer MUD and Brewer agreement
- Exhibit 3 Application materials.

EXHIBIT 1

**PLACER LOCAL AGENCY FORMATION COMMISSION
Resolution No. 2015-01**

**Out of Service Application for the Brewer request for sewer service
from the South Placer Municipal Utility District**

WHEREAS, South Placer Municipal Services District has submitted an out-of-boundary service application requesting the Commission's consideration of extension of services to the Brewer property, located at 2392 Swetzer Road, Penryn (APN 032-171-023-000);

WHEREAS, Government Code Section 56133 states that a district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the Local Agency Formation Commission in the affected county;

WHEREAS, Government Code Section 56133 further states that the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization;

WHEREAS, the subject property is located outside the district boundaries of the South Placer Municipal Service District, but is located within the Sphere of Influence for the District. The subject parcel is immediately adjacent to a district sanitary pipeline;

WHEREAS, Placer County On-Site Sewage Manual does not allow the use of Septic Tanks on property located within 300 feet of sewer connection point;

WHEREAS, annexation into the district is infeasible and impractical at such time as that annexation of this parcel is not adjacent to other parcels located in the district;

WHEREAS; the South Placer Municipal Services District has indicated that capacity is available to serve the parcel; and

WHEREAS; the South Placer Municipal Services District was scheduled to approve a contract with the Brewers for extension of service to said parcel; and

WHEREAS; the proposal is Exempt from CEQA pursuant to Section 15319 (b) which exempts annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of small structures.

NOW, THEREFORE, BE IT RESOLVED that the Placer Local Agency Commission

1. Finds that the proposed extension of sewer service is consistent with the Commission's adopted policies and California Government Code Section 56133.

EXHIBIT 2

ACKNOWLEDGEMENT BY OWNERS OF THE REAL PROPERTY OF CONDITIONS
OF SEWER SERVICE AND CONSENT TO LIABILITY FOR SUCH SERVICE
AND TO LIENS FOR NON-PAYMENT OF FEES OR CHARGES

APN 032-171-023-000

The undersigned, David Brewer and Rachelle Brewer, husband and wife (Owner's) acknowledge and consent as follows:

1. We are the Owners of the real property (APN 032-171-023-000) 2392 Swetzer Road, Penryn, California.
2. As of the date this agreement is executed the real property lies outside the South Placer Municipal Utility District (District) service boundaries, but within the District's sphere-of-influence.
3. The Placer County Building Department has required connection to public sewer, in lieu of utilizing a privately-owned septic system, due to the fact public sewer is available and within 300' of the real property.
4. In consideration of District providing sewer service to the real property, Owners acknowledge liability for and agree to pay to the District its existing sewer participation fee and monthly services charges fixed by resolution, and the District will issue the sewer Participation Application to Owners and inspect the building sewer. Owners shall be responsible for the installation of the building sewer and all work shall conform to District standards and specifications.
5. The District will provide sewer service to the real property and Owners agree to be personally responsible for all fees, rates and charges fixed by the District and be subject to all ordinances, resolutions, rules and regulations of District which may now or hereafter be in effect.
6. Non-payment an any charges by Owners may result in proceedings taken by the District to impose penalties and/or a lien on the real property pursuant to the provisions of the Municipal Utility District Act and Owners agree that their real property will be subject to the provisions of Section 5470 through 5474.10 of the Health and Safety Code as though the Owner's real property was within the service area boundaries of the District.
7. This document shall be recorded by Owners and shall be binding on the heirs, executors, administrators, successors and assigned owners.
8. This document shall be of no further legal force or effect at such time as the real property is annexed to the District.

Dated: ____/____/____

David Brewer _____

Rachelle Brewer _____

EXHIBIT 3

**SOUTH PLACER MUNICIPAL UTILITY DISTRICT
STAFF REPORT**

To: Board of Directors
From: Herb Niederberger, General Manager
Cc: Sam Rose, Assistant Superintendent
Eric Nielsen, District Engineer
Subject: Out-of-Area Service Agreement (Brewer) and LAFCO Resolution for Application
Meeting Date: April 2, 2015

Overview

The installation of the Upper Antelope Creek Sewer Project in Swetzer Road connected remote service areas of the South Placer Municipal Utility District and traversed an area in Placer County currently outside the District's service area boundaries. David and Rachelle Brewer wish to construct a home at 2392 Swetzer Road, Penryn, California. (APN 032-171-023-000) and are being required by the Placer County Building Department to connect to the public sewer adjacent to their property. Because the property is currently located outside the District's service area boundaries, the Brewers must coordinate with Placer County Local Area Formation Commission (Placer LAFCO) and apply for an Out-of-Area Service Agreement with the District. The service provided would be in accordance with the District's Sewer Use Ordinance 09-02.

The annexation process was considered, but it is a lengthy process and Placer LAFCO would rather not annex a parcel that is an island, not adjacent to current service area boundaries. At such time as the area surrounding APN 032-171-023-000 is ever annexed to SPMUD or becomes contiguous with the SPMUD Boundary, the property owners will be obligated to pay their fair share of costs of the annexation.

Recommendation

Staff recommends that the Board of Directors:

1. Adopt the attached Resolution authorizing the General Manager to apply with Placer LAFCO for an Out-of-Area Service Agreement.
2. Authorize the General Manager to execute said Out-of-Area Service Agreement for the provision of sewer collections services for APN 032-171-023-000

Strategic Plan Goals

This action is consistent with SPMUD Strategic Plan Goals:

Goal 1.1 – Engage Customers to Determine Expectations

ITEM VI.3

Goal 7.1 – Work with Regional Partners and Analyze Growth Opportunities

Fiscal Impact

The property owners are responsible for all the Placer LAFCO processing costs for an Out-of-Area Service Agreement. The cost to the District should be a minimal amount of staff time.

Enc: Resolution No. 15-06 Application with LAFCO for Out of Area Service Agreement with Attachments A and B

SOUTH PLACER MUNICIPAL UTILITY DISTRICT

RESOLUTION NO. 15-06

**RESOLUTION AUTHORIZING APPLICATION WITH THE PLACER LOCAL
AGENCY FORMATION COMMISSION FOR AN OUT-OF-AGENCY SERVICE
AGREEMENT FOR APN 032-171-023-000**

WHEREAS, the real property proposed to be provided sewer collection and treatment services, identified in the Official Records of the County of Placer at APN 032-171-023-000 (hereinafter the "Property"), is located outside the exterior boundaries of the South Placer Municipal Utility District (the "District"), and is uninhabited; and

WHEREAS, the record owners of the Property desire to have sewer service provided by the District in order to construct residence thereon; and

WHEREAS a description of the boundaries of the Property is set forth in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, Section 56133 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq) allows for provision of services outside of the District boundaries if said property is within the District's sphere of influence; and

WHEREAS, the District desires to initiate proceedings with the Placer County Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, to provide sewer services outside of the District's boundaries for the Property through an Out-of Area Service Agreement; and

WHEREAS, the reason for the proposed extension of services is to provide sewage disposal services for a residence and the District is the only public suitable for providing said sewage disposal services to the Property; and

WHEREAS, this proposal is within and consistent with the sphere of influence of the District; and

WHEREAS, a plan for providing services has been prepared in accordance with Government Code Section 56653 and is attached hereto as Exhibit Band incorporated by

reference herein; and

WHEREAS, said Property shall be annexed into the District if and when adjacent properties are annexed into the District.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the South Placer Municipal Utility District that:

1. This Resolution of Application is hereby adopted and approved, and the Placer County Local Agency Formation Commission is hereby requested to approve an Out of Area Service Agreement according to the terms and conditions stated herein, all in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and
2. The District General Manger is authorized to execute an Out-of Area Service Agreement and such other ancillary documents as may be required by the Placer County Local Agency Formation Commission to effectuate the purposes of this Resolution

PASSED AND ADOPTED at a Regular Meeting of the South Placer Municipal Utility District Board of Directors at Rocklin, CA this 2nd day of April 2015.

Signed: _____
John R. Murdock, President of the Board of Directors

Attest: _____
Joanna Belanger, Board Secretary

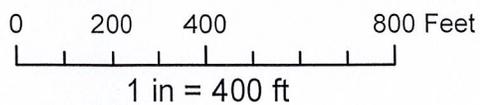
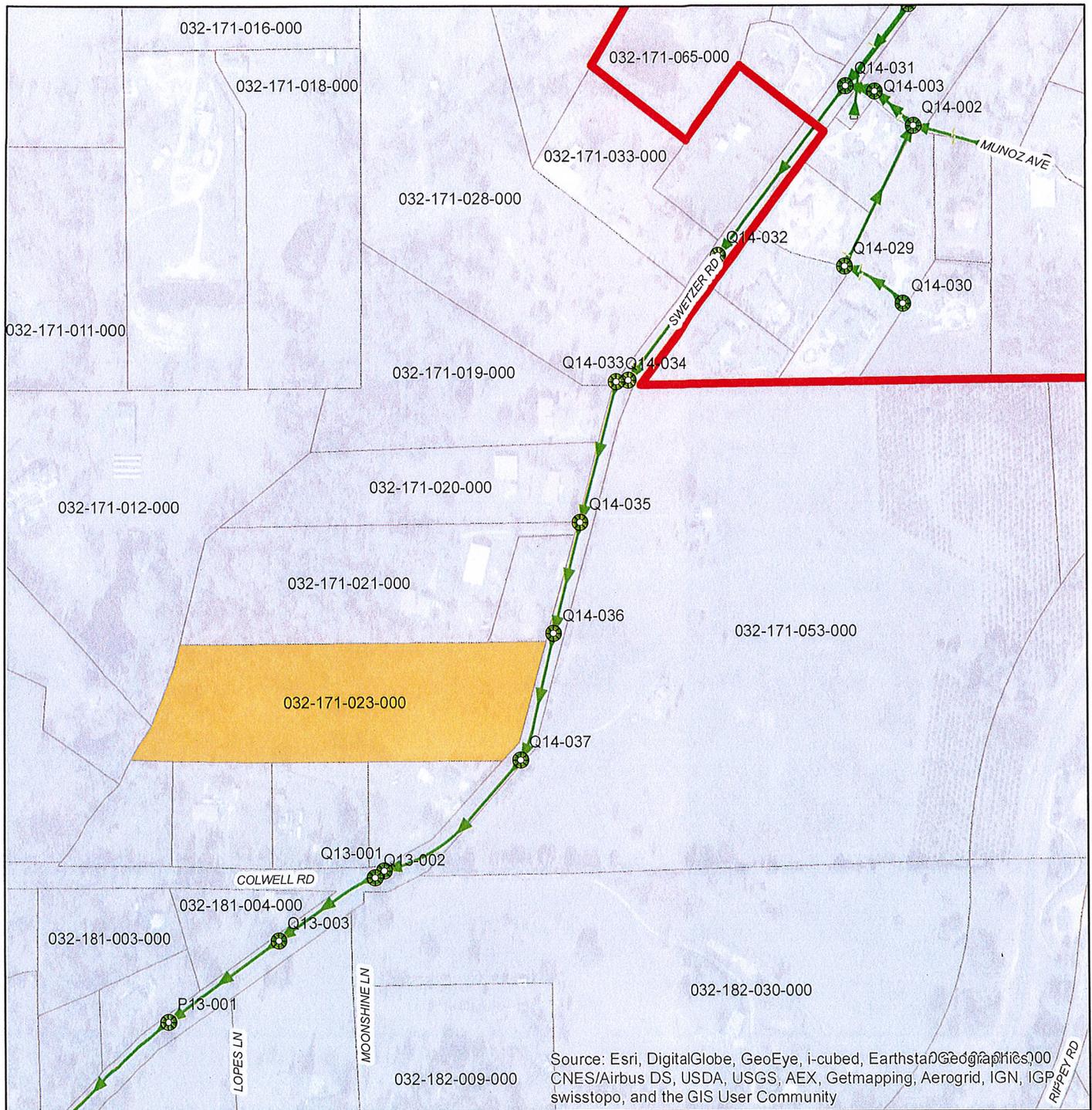


Exhibit A

Legend

- SPMUD Boundary
- Sanitary Pipe
-  Sanitary Structure

Date: 2/25/2015

Author: Eric Nielsen

Document Path: G:\spmud_gis\mxd\Eric\BrewerLAFCO.mxd

Plan for Providing Sewer Services to APN 032-171-023-000

Government Code Section 56653.

- (a) *If a proposal for a change of organization or reorganization is submitted pursuant to this part, the applicant shall submit a plan for providing services within the affected territory.*
(b) *The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:*

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

- a. Sanitary Sewer Collection Service – collection of sewage from the building and transportation, via pipes, to the treatment facility.
- b. Sanitary Sewer Treatment Service (disposal) via the City of Roseville's Dry Creek Waste Water Treatment Plant (WWTP)

(2) The level and range of those services.

Services provided include collection, transportation and treatment, as well as 24-hour emergency services related to sewer problems.

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

The sewer utility is readily available for connection. The District owns and operates an 8-inch trunk sewer pipe that is located in Swetzer Road, which abuts the property being served (see Exhibit A).

(4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local

In order to connect to the District's facilities the owner is required to construct, at his/her expense, the building sewer for the dwelling. All work shall be in accordance with District's Ordinance 09-02 and District Standard Specifications.

(5) Information with respect to how those services will be financed.

Monthly service fees, collected from those connected to the District's sewer system, cover the cost of services provided. All applicable District fees, including but not limited to, Connection and Inspection fees must be received by the District prior to connection.

April 8, 2015
Item No. 7

PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION

110 Maple Street, Auburn California 95603

530-889-4097

Email: lafco@placer.ca.gov

STAFF REPORT

DATE: April 2, 2014

TO: Chairman Rudd, Commissioners Allen, Barkle, Holmes, Treabess, Ucovich, Weygandt. Alternate Commissioners Duran, Gray, Sheehan.

FROM: Kris Berry, AICP, Executive Officer 

SUBJECT: Selection of Officers for fiscal year 2015 - 2016

Recommended Action:

Select a new Chair and new Vice-Chair, each for a one (1) year term ending in May 2016, to be seated at the May meeting.

Discussion:

In accordance with Government Code section 56334, each year Placer LAFCO selects a Chair and a Vice-Chair at its May meeting to preside at meetings for the next year. The current Chair is Commissioner Weygant, current Vice-Chair is Commissioner Allen.

The Commission adopted a rotation policy as a general guideline for Chair and Vice-Chair on August 13, 2008 (Resolution 2008-03, attached). According to this policy, the scheduled Chair would be a Special District Member (Allen) and Vice-Chair would be a City Member (Ukovich).

PLACER LOCAL AGENCY FORMATION COMMISSION

Resolution No. 2008-03

Establishing a Rotation Policy for LAFCO Commissioners

Whereas, the Placer Local Agency Formation Commission (Placer LAFCO) is an independent agency established and operating under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), and

Whereas, Placer LAFCO, pursuant to §56334 (CKH) elects a Chairperson of the Commission in May of each year, and

Whereas, the Commission intends to establish a rotation policy to use as a guideline in the selection of a Chairperson.

Now, therefore be it resolved, the following rotation schedule shall serve as a general guideline for the election of the Chairperson:

Special District	2008
City	2009
County	2010
Special District	2011
City	2012
Public Member	2013
County	2014

Be it further resolved, the Commission may elect to continue the rotation in the same form after the year 2014. The Commission may further elect to follow a corresponding Vice Chair rotation schedule to allow for the orderly transition of the Vice-Chair to the position of Chairperson.

Be it further resolved, that the Placer Local Agency Formation Commission hereby adopts the rotation schedule as a general guideline for the future selection of the Chair and Vice-Chair. As a general guideline, this policy is not binding on future Commissions and at any time the Commission may elect to deviate from this policy.

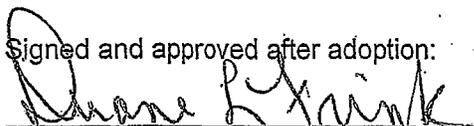
On a motion by Commissioner WEYGANDT, seconded by Commissioner HILL, the foregoing resolution was passed and adopted by the Placer Local Agency Formation Commission this 13th day of August, 2008 by the following vote:

Ayes: MOBERLY, WEYGANDT, HILL, FRINK, RUDD, GRAY, HOLMES

Noes: NONE

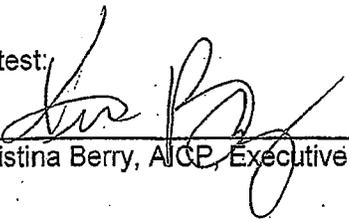
Absent: NONE

Signed and approved after adoption:



Duane L. Frink, Chair

Attest:



Kristina Berry, AICP, Executive Officer

April 8, 2015
Item No. 8

PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION

110 Maple Street, Auburn California 95603

530-889-4097

Email: lafco@placer.ca.gov

STAFF REPORT

DATE: April 2, 2014

TO: Chairman Rudd, Commissioners Allen, Barkle, Holmes, Treabess, Ucovich, Weygandt. Alternate Commissioners Duran, Gray, Sheehan.

FROM: Kris Berry, AICP, Executive Officer 

SUBJECT: Appointment of Public Member and Alternate Public Member to Commission

Action Requested:

Appoint a public member and alternate public member to the Commission to fill the current term effective May 2015 - 2019.

Discussion:

Pursuant to Section 56425(d) of the Cortese-Knox-Hertzberg Local Government Reorganization Act, the public member is appointed by vote of the other members of the Commission. The person must receive the vote of at least one of the county representatives, one of the city representatives, and one of the special district representatives. The public member and alternate public member may not be an officer or employee of the County, or any city or district within Placer County. Aside from these requirements, the process for appointment is at the discretion of the Commission.

Due to noticing requirements, the deadline for applications for these seats is April 6, 2015, so applications received have not been forwarded at this time. The applications will be emailed to the Commission after the deadline for submission has passed, and will be available at the hearing. Staff is recommending that the Commission consider an appointment at this time, however, if the Commission determines that there is insufficient time to review the applications, you may wish to consider continuing the item to the May 13, 2015 Commission meeting.

April 8, 2015
Item No. 9

PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION

110 Maple Street, Auburn California 95603

530-889-4097

Email: lafco@placer.ca.gov

STAFF REPORT

DATE: April 2, 2015

TO: Chairman Weygandt, Commissioners Allen, Holmes, Kirby, Rudd, Treabess, Ucovich. Alternate Commissioners Duran, Gray, Nader, Sheehan.

FROM: Kris Berry, AICP, Executive Officer 

SUBJECT: Town of Olympic Valley Incorporation proposal update and authorize the Executive Officer execute contract with Environmental Consultant.

RECOMMENDATION:

It is recommended that the Commission:

- a. Receive a status update on the Incorporation Proposal;
- b. Authorize Executive Officer to execute contract with the selected Environmental Consultant for the preparation of the Environmental Impact Report;
- c. Receive Public Comment on the Incorporate Olympic Valley Proposal.

SUMMARY:

Status Update:

The Comprehensive Fiscal Analysis, being prepared by RSG is nearing completion, we anticipate a Draft Fiscal Analysis being circulated within the next 1 -2 weeks. This document will provide a basis for Revenue Neutrality discussions between the County and proponents. Once the Comprehensive Fiscal Analysis is circulated, at least one public information meeting will be scheduled in the Olympic Valley area to discuss the findings of the report.

Environmental Impact Report

LAFCO received three proposals for preparation of the required Environmental Impact Report (from approximately 20 solicitations for proposals). Based on this, the Commission at the February Commission meeting established a selection committee consisting of Commissioners Weygandt and Rudd, LAFCO on-call Environmental Consultant Tim Raney, and the Executive Officer. Interviews were scheduled and conducted on March 25, 2015.

Two Consulting firms were interviewed. The committee is recommending the selection of the firm Amec Foster Wheeler based on both their written proposal and interview to prepare the Environmental Impact Report. The firms who submitted proposals were:

Firm	Price
Amec Foster Wheeler	\$146,970.00
UltraSystems	183,270.00
AECOM	196,799.00

It is recommended that the Commission direct the Executive Officer to review and refine the scope of work and cost estimate, and execute a contract with AMEC in an amount not to exceed \$146,970.00, once funding for the costs of the Environmental Impact Report have been received from the proponents.

Public Comment:

It is recommended that the Commission open the hearing for public comment regarding the Incorporation proposal at this time.

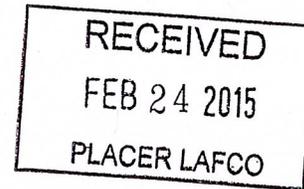
Attachments:

Exhibit "1" Correspondence



February 23, 2015

COPY



Ms. Kristina Berry
Executive Officer
Placer LAFCO
110 Maple St.
Auburn, CA 95603

RE: Incorporation of "Olympic Valley" as a City

Dear Ms. Berry:

It recently has come to the attention of the U.S. Olympic Committee (the "USOC") that there is an effort to incorporate a portion of Placer County under the name "Olympic Valley." We understand this encompasses the area nearby or including Squaw Valley and is a reference to the fact that Squaw Valley hosted the 1960 Olympic Winter Games. We are concerned that the institution of any such name could result in difficulties and frustration for the community. This letter is to set out some of the reasons for our concern, in the hope that it will be helpful in the event that the Local Agency Formation Commission for Placer County (LAFCO) considers any such proposal.

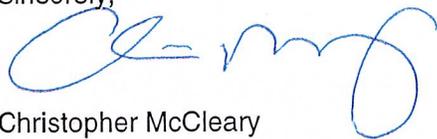
Under a specific provision of the federal law known as the Olympic and Amateur Sports Act, 36 U.S.C. § 220506 (1998), Congress granted the USOC the exclusive right to use and control the use of the term "Olympic" in the United States (a copy of the relevant provision is attached for your reference.) These protections apply to any use of "Olympic" for purposes of trade. The USOC generally reserves use of Olympic marks, imagery, and terminology to our official sponsors, suppliers and licensees – their financial support are the primary means of funding U.S. athletes who train for and compete in the Olympic Games. This policy is also necessary to protect the value and exclusivity of the USOC's intellectual property rights.

Squaw Valley was not granted any right to adopt the name "Olympic Valley" in any official way subsequent to the 1960 Olympic Winter Games; in fact, no U.S. host city for the Games has been granted any such right. Any attempt to retroactively implement such a name may cause confusion on this point and/or USOC's exclusive rights noted above.

Relatedly, we understand that the California Secretary of State will not allow companies to register business names that include "Olympic" without written consent from the USOC. In the case of "Olympic Valley," the USOC would not grant such permission for the reasons outlined above. Therefore, local businesses located in a town called "Olympic Valley" would be unable to register or operate with names including any "Olympic Valley" reference (e.g., "Olympic Valley Plumbing".) This could be frustrating and confusing for local businesses and residents; we raise this issue now in order to try to avoid any such problems for the community.

We hope this information is helpful in the event you are called on to consider adopting "Olympic" in the name of any incorporated area in Placer County. If you have any questions, please let me know – we do want to avoid confusion or uncertainty for your community.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. McCleary", written in a cursive style.

Christopher McCleary
General Counsel

11364 Pleasant Valley Road
Penn Valley, CA 95946
Voice (530) 432-7357
Fax (530) 432-7356

COLANTUONO
HIGHSMITH
WHATLEY, PC

Matthew T. Summers
(213) 542-5719
MSummers@chwlaw.us

Our File No. 45009.0001

March 11, 2015

VIA E-MAIL AND U.S. MAIL

William M. Wright
The Wright Law Office
2828 Easy Street, Suite 3
Placerville, CA 95667

COPY

Re: Use of Olympic Valley Name for Olympic Valley Incorporation
Proposal (LAFCO No. 2013-02)

Dear Mr. Wright:

I write on behalf of Incorporate OV Foundation regarding the recent letter sent to Kristina Berry from the United States Olympic Committee regarding the proposed Olympic Valley name for the new town. The federal law cited by the USOC in the letter does not give USOC jurisdiction over place names and does not prohibit the proposed use of Olympic Valley for the town's name.

This law does not prohibit all uses of the restricted words or symbols. Rather, the law permits the USOC to enforce its trademark only if someone uses the restricted words or symbols without its consent "for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition." (36 U.S.C. § 22506, subd. (c).) The statute additionally includes an explicit exception for using "Olympic" to identify commercial goods or services in western Washington state. (36 U.S.C. § 22506, subd. (d)(3).) Had Congress intended to prevent a municipality from using "Olympic" in its name, the section of this law permitting USOC to bring a civil action to protect its trademark would not be limited to situations when an entity is using a term in trade, to sell goods or services, or to promote an athletic or theatrical event. Further, there is no risk that allowing the town to be called "Olympic Valley" will dilute or degrade the market value of the USOC's trademark in "Olympic." This is because there is no possibility of reduction in the USOC's sponsorship revenues due to confusion between the town and the games or committee. This situation is unlike the "Gay Olympic Games" case, because allowing an athletic

William M. Wright

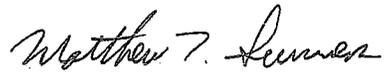
March 11, 2015

Page 2

event to use the term would dilute the value and distinctiveness of "Olympic." (*San Francisco Arts & Athletics, Inc. v. U.S. Olympic Committee* (1987) 483 U.S. 522.) Here, the name would be applied to a town rather than an event or a product. Moreover, for over 50 years the proposed town's name has been the federally sanctioned name for the area used by the United States Postal Service.

Thank you for your consideration. If we can provide further information to assist your review of this matter, please let me know.

Sincerely,



Matthew T. Summers
Assistant General Counsel
Incorporate OV Foundation

MTS:mts

cc: Dr. Fred Ilfeld, Chair and Members of the Incorporate OV Foundation
Board (by e-mail)
Michael G. Colantuono, General Counsel, Incorporate OV Foundation (by
e-mail)

THE WRIGHT LAW OFFICE
Attorneys at Law

COPY

2828 Easy Street, Suite 3
Placerville, CA 95667

William M. Wright
billofwrights@sbcglobal.net

(530) 344 - 8096
Fax: (530) 344 - 8098

March 18, 2015

Matthew T. Summers
Assistant General Counsel
Incorporate OV Foundation
Colantuono, Highsmith and Whatley, PC
11364 Pleasant Valley Road
Penn Valley, CA 95946

**Re: Use of Olympic Valley Name for Olympic Valley Incorporation
Proposal (LAFCO No. 2013-02)**

Dear Mr. Summers:

Thank you for your letter of March 11, 2015 regarding the recent letter to Placer LAFCO from the U.S. Olympic Committee (USOC) objecting to the use of the name "Olympic Valley" for the proposed new city.

In your letter you contend that the use of the word "Olympic" in the name of the new city would not violate 36 U.S.C. Section 22506 and that LAFCO should authorize the use of the name over the objection of the USOC.

Under Government Code Section 57100(d) any commission resolution approving a change in organization must include the name of the new city. Thus, the Commissioners for Placer LAFCO will decide whether the use the word "Olympic" in the name of the city is appropriate. However, it is my opinion that LAFCO should avoid this dispute with the USOC and focus on fulfilling its statutory duties. Accordingly, I will not recommend LAFCO use "Olympic" in the name of the city without permission from the USOC.

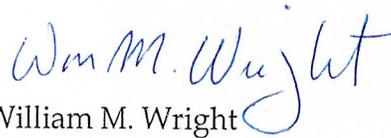
Matthew T. Summers

March 18, 2015

Page 2

The statute specifically permits the U.S. Olympic Committee to grant exceptions and authorize the use of the word "Olympic" in certain situations. The OV Foundation may want to contact the USOC and request it reconsider its position and grant permission to use "Olympic" in the name of the proposed city. Absent permission from the USOC, it appears that use of the word will result in needless litigation and unnecessary confusion for future businesses within the city that attempt to use the name of the city as part of their business.

Very truly yours,

A handwritten signature in blue ink that reads "William M. Wright". The signature is written in a cursive style with a large, stylized "W" and "R".

William M. Wright

WMW:ld

cc: Kris Berry, Executive Officer, Placer LAFCO

Kris Berry

From: Fred Ilfeld <filfeld@gmail.com>
Sent: Tuesday, March 31, 2015 6:45 PM
To: Yost, Louis
Subject: Re: Question about "Olympic Valley, California"
Attachments: OV PO .png; Sac Bee Oct 1959.png

Thank you, Mr. Yost. I appreciate the time you have taken for researching the origins of our Post Office designation, "Olympic Valley". These attachments are quite helpful. Fred Ilfeld

On Tue, Mar 31, 2015 at 11:32 AM, Yost, Louis <lyost@usgs.gov> wrote:
Dear Mr. Ilfeld,

The Squaw Valley record you refer to (GNIS ID - 235324) is for the valley (hypsographic feature) itself. The name Olympic Valley was added as variant name for the valley because after the Olympic Valley Post Office started operating in the Olympic Village for for the 1960 Winter Olympics, the valley apparently started being referred to as Olympic Valley by some. Our records indicate that the post office was originally named Squaw Valley Post Office for a brief period, however because of the confusion that arose because of the recently closed post office in the Squaw Valley community in Fresno County the post office's name was changed to Olympic Valley Post Office (see attachments; the article was published in the Sacramento Bee in October 1959). While communities often start being referred to by the name of the post office serving them, the U.S. Board on Geographic Names (BGN) does not recognize an official name for the unincorporated community within Squaw Valley.

The BGN does not make decisions on the names of incorporated places, it just promulgates for Federal use those names that are sanctioned by the States, which are the legally constituted authorities to bestow those names. Therefore, we would not be able to answer your specific question about incorporating as the Town of Olympic Valley. Since individual States have their own processes and procedures for becoming an incorporated place we suggest that you contact State officials to seek an answer to your question.

Sincerely,

Lou Yost
Executive Secretary
U.S. Board on Geographic Names

On Sun, Mar 29, 2015 at 2:47 PM, Fred Ilfeld <filfeld@gmail.com> wrote:
Dear Mr. Yost,

I am the Chairperson of a group leading the effort to incorporate our local community as the Town of "Olympic Valley". We are a group of approximately 1200 residents in an unincorporated part of Placer County California. This area has been called "Squaw Valley" since the 1940s. In the late 1950s Squaw Valley became an international recognized resort with our hosting of the 1960 Winter Olympics. At some point before 1981

(we are still researching this) the United States Postal Service designated us as “Olympic Valley” and gave us the zip code 96146. Henceforth, we have informally been referred to either as “Squaw Valley” or as “Olympic Valley”, and these names represent our heritage and identity.

My question is this— can we retain the name of “Olympic Valley” as the name of our future Town? The United States Board on Geographic Names on its website cites “Squaw Valley” as the name of our area (ID-235324), with the “variant name” of “Olympic Valley”. We can’t call our town Squaw Valley, since a postal designation named “Squaw Valley” existed in California (in the foothills east of Fresno) prior to our getting a postal designation. Also the word “Squaw” is highly controversial and would be challenged by Indian rights representatives. Our immediate issue is that the U.S. Olympic Committee (USOC) is protesting our using the word “Olympic”, saying that “Squaw Valley was not granted any right to adopt the name “Olympic Valley” in any official way subsequent to the 1960 Winter Olympic Games.” My viewing of your website appears to show the contrary— namely that the “Geographic Names Information System (GNIS)” of the U.S. Geological Survey (USGS) references the name “Olympic Valley” to our particular geographic location. As the Executive Secretary for Domestic Names of the USGS, could you please confirm that our area has been designated with the name “Olympic Valley” since at least 1981?

Thank you so much for your attention to this. Should you wish more information about our group and our progress toward incorporation, our website is: www.IncorporateOlympicValley.com

yours very truly, Fred Ilfeld

Fred Ilfeld MD
P.O. Box 2160
Olympic Valley, CA 96146

filfeld@gmail.com (530) 448-6060

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Fred Ilfeld MD
P.O. Box 2160, Olympic Valley, CA 96146
mobile- (530) 448-6060; fax- (530) 583-6157
email- FILFELD@GMAIL.COM

Office Memorandum • POST OFFICE DEPARTMENT

SUBJECT: Olympic Valley, California - Proposed Establishment of Postal Facility for Olympic Games - 1960

DATE February 16, 1959

FROM: Mr. Birdsall

IN REPLY
REFER TO:

PO 2173

P. O. CL.

TO: Mr. Petersen

OLYMPIC VALLEY, CALIFORNIA

- 12/17/57 - Letter from VIII Olympic Winter Games Organizing Committee requesting establishment of a post office in Squaw Valley, Placer County, California during Olympic Games in February 1960. Squaw Valley is located seven miles northwest of Tahoe City.
- 12/30/57 Reply to Committee - Department will establish a temporary postal facility and will authorize a special cancellation. Request Committee advise by July 1959 wording for the cancellation
- 4/21/58 Letter from ROD, San Francisco, California, advising that when plans for the Games began the name "Squaw Valley" was being considered as the name for the proposed post office. However there is a community known as Squaw Valley in Fresno County, California. To avoid confusion, the Organizing Committee agreed that the post office should be named "OLYMPIC VALLEY".
- 5/19/58 Letter to ROD, San Francisco advising that Department has no objection to postal facility being named "Olympic Valley". Also requesting that ROD maintain liasion with Organizing Committee in re. the establishment of the postal facility.
- 1/29/59 Copy of a letter to Robert L. King, Ex. Director, Operating Committee 1960 Winter Olympics, advising that Mr. McKibbin would write to Mr. Prentis C. Hale, Jr., President of the Olympic Winter Games Organizing Committee, stating that arrangements will be made to establish post office at Squaw Valley for the Olympic Winter Games in 1960. Upon receipt of Mr. McKibbin's letter the Committee should contact ROD, San Francisco, who will make the necessary arrangements.
- Undated Memo "McKibbin was supposed to confirm the establishment - Moore wrote to Robert King Advising that action would be taken to provide a PO in Squaw Valley for the Olympic Games of 1960."

Kris Berry

From: Michael Garabedian <michaelgarabedian@earthlink.net>
Sent: Saturday, February 21, 2015 12:29 AM
To: Steve Pearsall; theochoas3@charter.net; Grace Anderson; laurel ames; Marilyn Jasper; Terry Davis; Tony Rakocija; Carol Love; Heidi Van Zant; Thomas Beattie; filfeld@gmail.com; pvanzant@sierrawatch.org; wanewsom@earthlink.net; Jay Shuttleworth; Craig Donato; canyonspirit@yahoo.com; mgeary@svpsd.org; pbansen@svpsd.org; jkmoore6891@sbcglobal.net; Ron Stork; Eric Peach; Tim Woodall; jvricker@prince-ricker.net; aharvey@auburnrancheria.com; Gay Wiseman; tbeedy@comcast.net; Hilary Newsom; Helga White; wmanley@rmmenvirolaw.com; MSummers@chwlaw.us; Jennifer Montgomery
Cc: Kris Berry; Linda Wilkie; info@incorporateolympicvalley.org; info@SaveOlympicValley.org
Subject: A city to annex into North Fork American headwaters?
Attachments: Initial letter.doc; XC-560-C849A12183.pdf; Marked Up Map.pdf

A group of well-intentioned people from Squaw Valley have proposed incorporating the municipality of Olympic Village in order to obtain local control over the management of future development. The proposed city boundary would be the local fire responsibility area of the Squaw Valley Public Service District which boundary presently goes up to the Sierra Nevada crest and is immediately adjacent to North Fork American River headwaters.

Friends of the North Fork reviewed the proposed development in the valley over a year ago and concluded at that time that its location was remote from the North Fork and was not an issue for our group. But, the proposal to incorporate a city in any part of Squaw Valley brings with it the need to research the incorporation and reassess development issues in the valley.

Significant development in Squaw Valley is an incentive to incorporate and at some point to bring municipal services that could ultimately expand into the upper reaches of the North Fork. Because of about 15 square miles of private property ownership in this upper North Fork area (about 12 square miles that are contiguous), this incursion into the remote watershed has implications not only there, but for the entire North Fork, and perhaps also for the Middle Fork.

Make no mistake: it takes 10, 20 and often many more years, but incorporation leads to municipal expansion. Services expansion is enabled by who sits on a Local Agency formation Commission at any one time, Placer County LAFCO in this case. The name is misleading: it is not a county agency; the legislature delegated its boundary making authority to LAFCOS long ago. Our county LAFCO has the revolving membership of two supervisors, two from city councils, two from special districts, and one public member.

For disclosure, I sued Solano County LAFCO over the first Dixon annexation to I-80, and Sacramento County LAFCO over a new subdivision Proposed next to my street that was annexed to the Citrus Heights Water District.

LAFCO is in the process of hiring an outfit to prepare an EIR Olympic Village incorporation.

Friends has not taken a position on incorporation or on development in the valley.

Incorporation proponents website:

incorporateolympicvalley.org

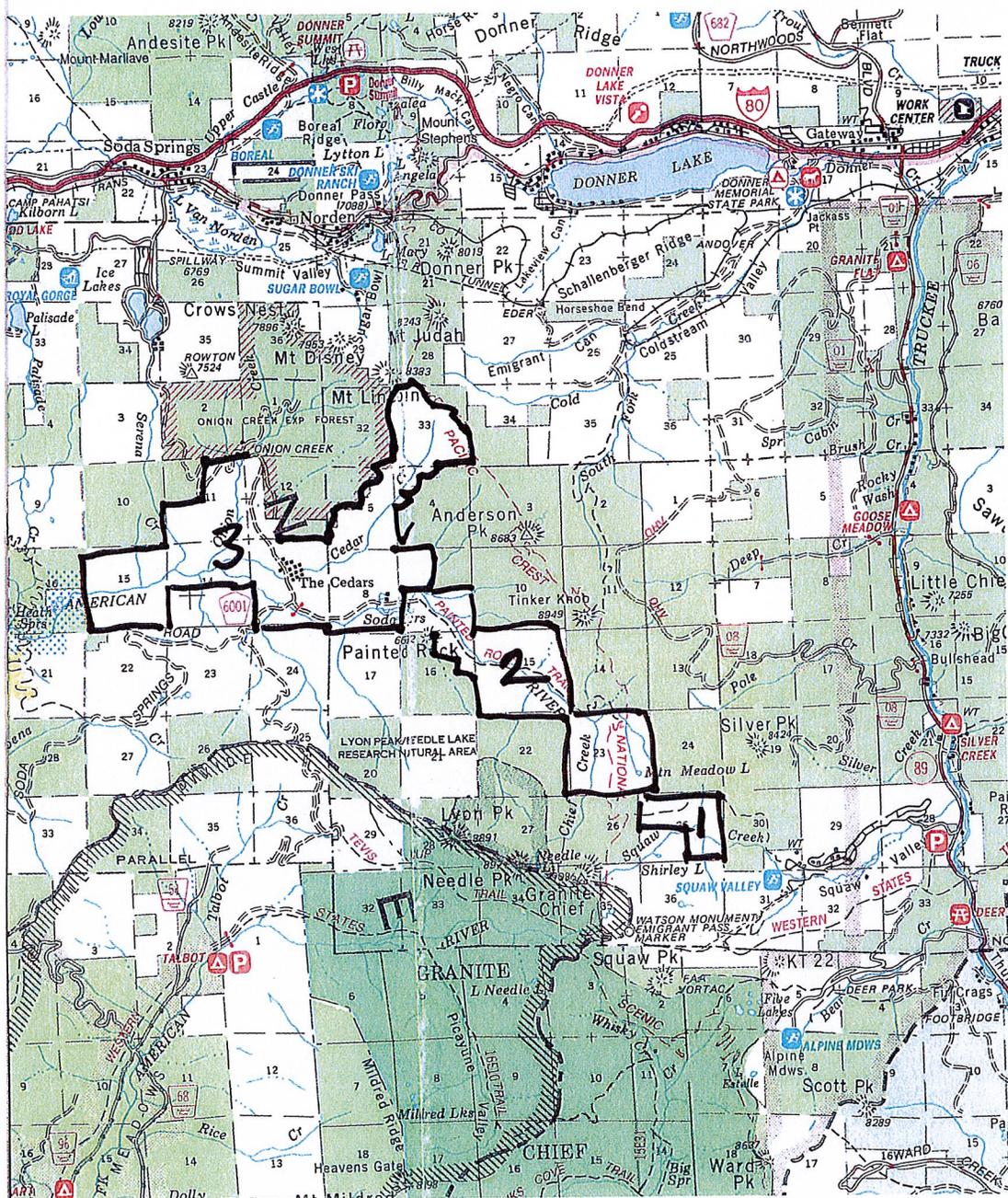
Incorporation opponent website:

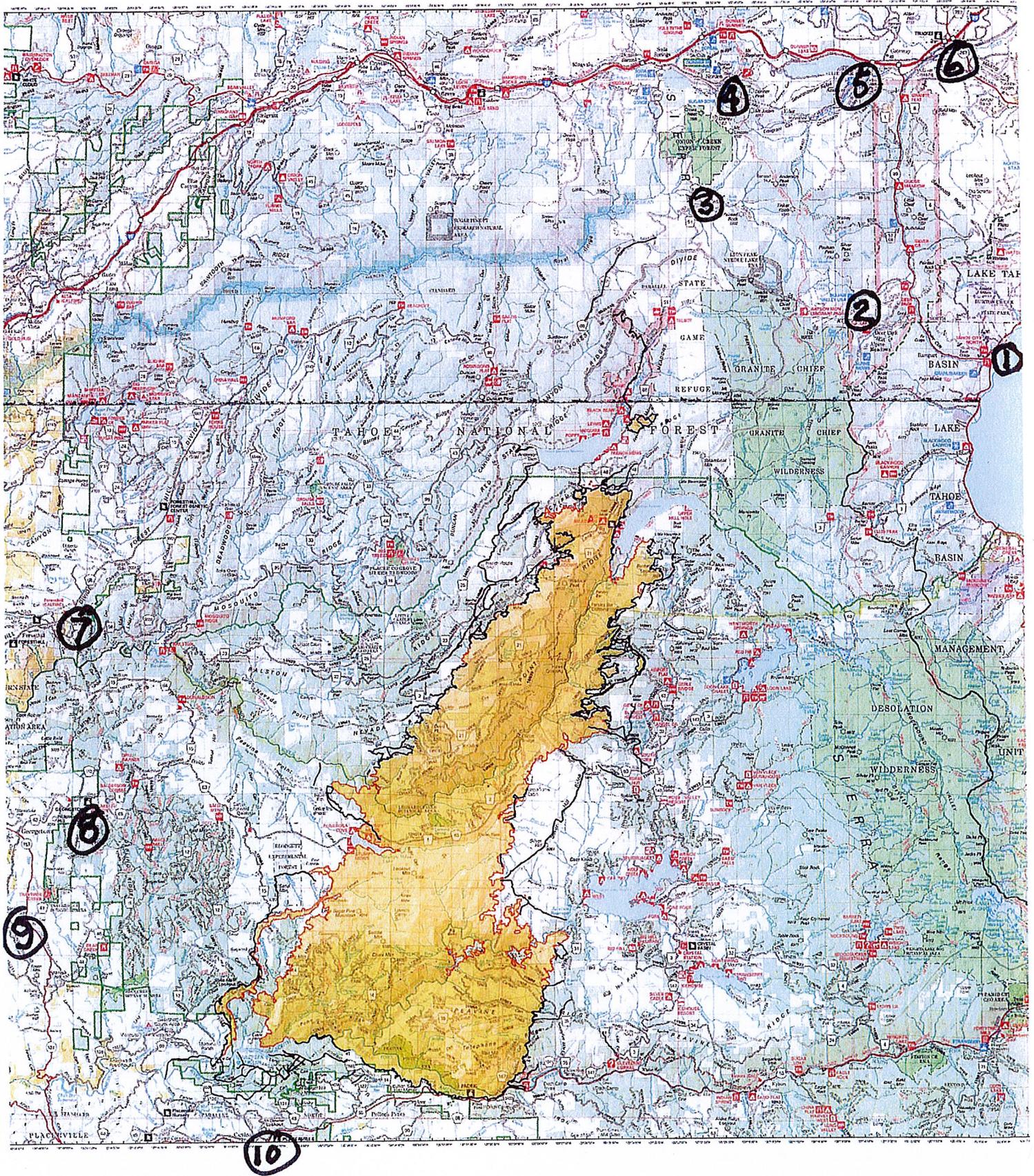
saveolympicvalley.com

Attached is Friends recent letter to LAFCO and two maps that are described in the letter.

White areas are private property.

2014 King Fire after its one-day leap and before containment. 2 is Squaw Valley.
The blue line is the North Fork American Wild and Scenic River.





Kris Berry

From: Fred Ilfeld <filfeld@gmail.com>
Sent: Sunday, March 01, 2015 10:23 PM
To: Michael Garabedian
Cc: Steve Pearsall; theochoas3@charter.net; Grace Anderson; laurel ames; Marilyn Jasper; Terry Davis; Tony Rakocija; Carol Love; Heidi Van Zant; Thomas Beattie; Peter Van Zant; wanewsom@earthlink.net; Jay Shuttleworth; Craig Donato; canyonspirit@yahoo.com; Mike Geary; Pete Bansen; jkmoore6891@sbcglobal.net; Ron Stork; Eric Peach; Tim Woodall; jvricker@prince-ricker.net; aharvey@auburnrancheria.com; Gay Wiseman; tbeedy@comcast.net; Hilary Newsom; Helga White; wmanley@rmmenvirolaw.com; Matthew T. Summers; Jennifer Montgomery; Kris Berry; Linda Wilkie; Jamie Schectman; info@saveolympicvalley.org
Subject: Re: A city to annex into North Fork American headwaters?

Dear Michael,

Do you recall the brief meeting with my compatriot Lisa Cardin and I at the recent Placer LAFCO meeting? I apologize for not responding to your email sooner. I've been away from my home in Squaw Valley at a professional conference on group psychotherapy and have been involved full time over the past 7 days. For the benefit of many of the recipients of your email I should introduce myself. I am a long-term resident in Squaw Valley (the proposed town of Olympic Valley) and am one of the leaders of the incorporation movement. At this point we are about mid-way into what will likely be a three year process that leads to incorporation. We have done our best to outline the various facets of the complex process of incorporation on our website, www.IncorporateOlympicValley.ORG (notice the ".org" and not ".com").

I want to speak directly to your concern about services or development reaching beyond the current proposed town boundaries into the drainage of the north fork of the American River. Contrary to your fear of this happening, I have full confidence that incorporation will actually protect the north fork from development. True, there will likely be resort development on the Valley floor at the base of the ski mountain. No one knows exactly how much it will be; that is in the process of being worked out over the next few years. However, as for development west up Shirley Canyon to the Sierra crest or even over the crest, I firmly believe that will remain undeveloped. Shirley Canyon and Granite Chief are the most popular hiking trails in north Tahoe. Other than possible trail improvements, I see no scenario other than its remaining wilderness with trail recreation for that area. Local folks revere that area for its wilderness character and would be joined by a network of Shirley Canyon lovers across northern California in fighting any attempt to introduce anything that would threaten its current status. Any development proposal for Shirley Canyon would be fought tooth and nail by us and our Bay area allies.

The advantage for the north fork area if Olympic Valley becomes a town is that there would be local self-governance, with zoning and land jurisdiction in the hands of a locally elected town council. Contrast that with the current situation where land-use decisions are made in the flatlands of Roseville and Auburn, 70 miles away and 5,000 feet lower. County supervisors don't appreciate the wilderness and recreation uses of Shirley Canyon near as much as we who live here. No one doubts that Tahoe folk would be better stewards of this land than Placer county supervisors.

I hope this speaks to your concern.

with best regards, Dr. Fred Ilfeld

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--

Fred Ilfeld MD
P.O. Box 2160, Olympic Valley, CA 96146
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email- FILFELD@GMAIL.COM