

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 The City's current policy is outdated and inconsistent with California Government Code as well as Tulare LAFCo policy.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



Appropriated/Funded N/A

CM

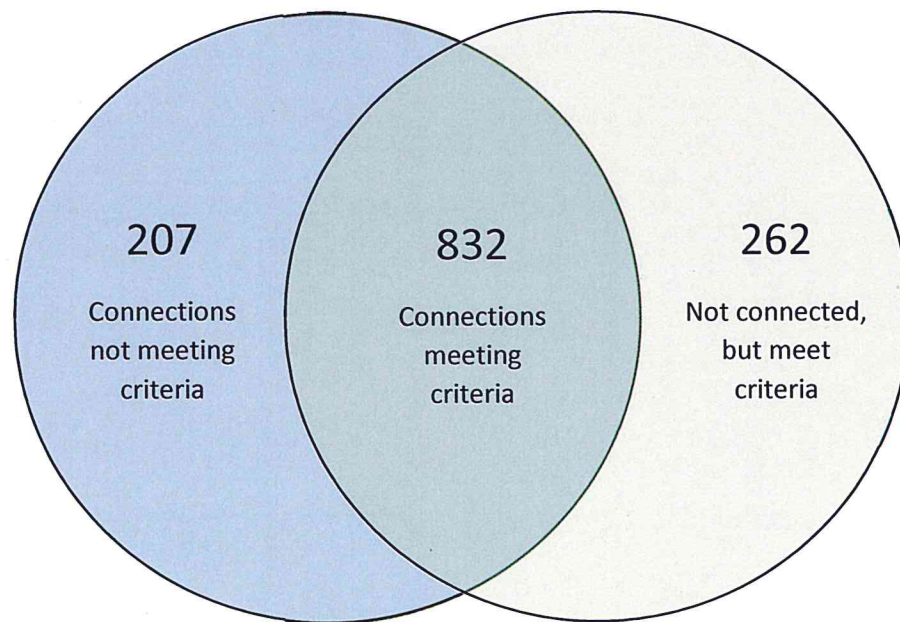


Item No. 16

- 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.



**1,039 Connections**

**1,094 Meet Criteria**

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

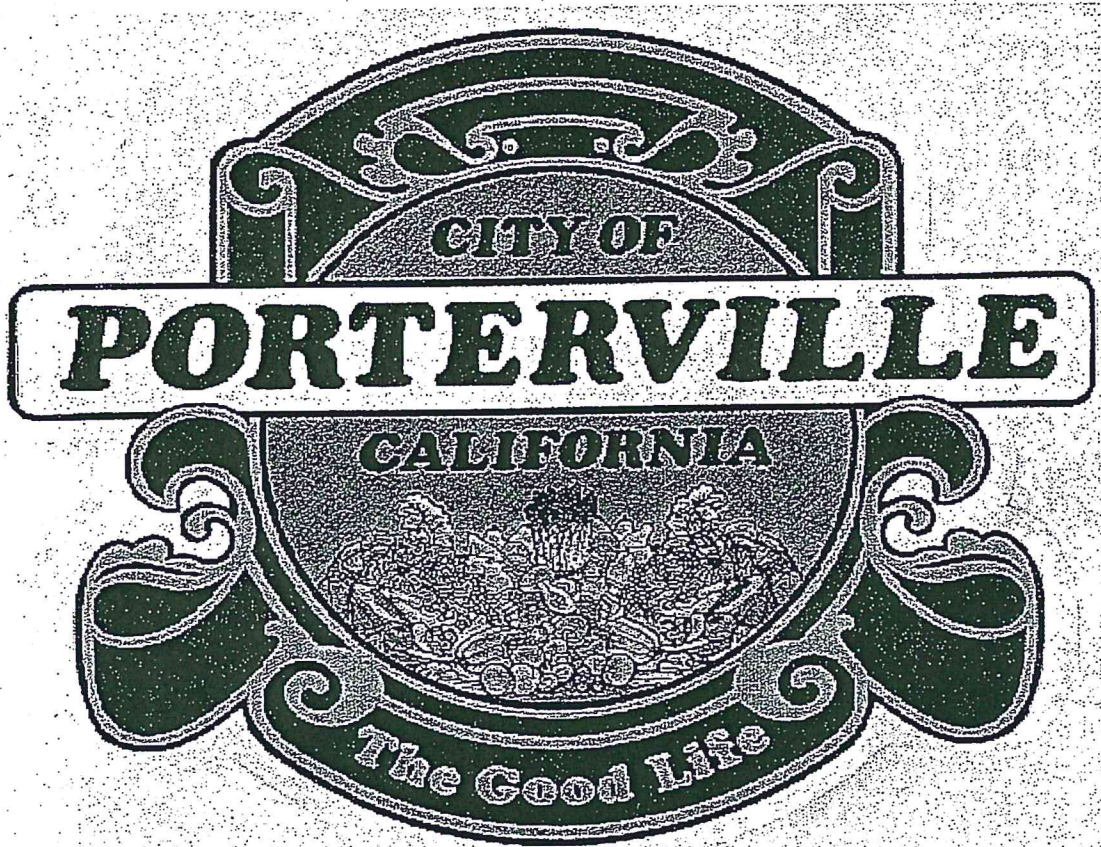
3. Provide direction relative to parameters for provision of extraterritorial services and implementation of an “Irrevocable Agreement to Annex.”

#### 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. /

"CITY OF PORTERVILLE"

ANNEXATION POLICY MANUAL

AND

MUNICIPAL SERVICES POLICY

FOR THE UNINCORPORATED AREAS

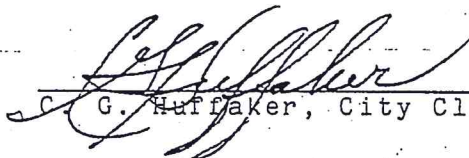
RESOLUTION NO. 33-86

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;

  
C. 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.

- 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.



## 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.

## 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): \_\_\_\_\_  
\_\_\_\_\_

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.

A.P.N. of property to be annexed

Address

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Name (type or print)

Signature

Date

\_\_\_\_\_  
\_\_\_\_\_

## 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. 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:



- 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:

Name

Address

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

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:

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



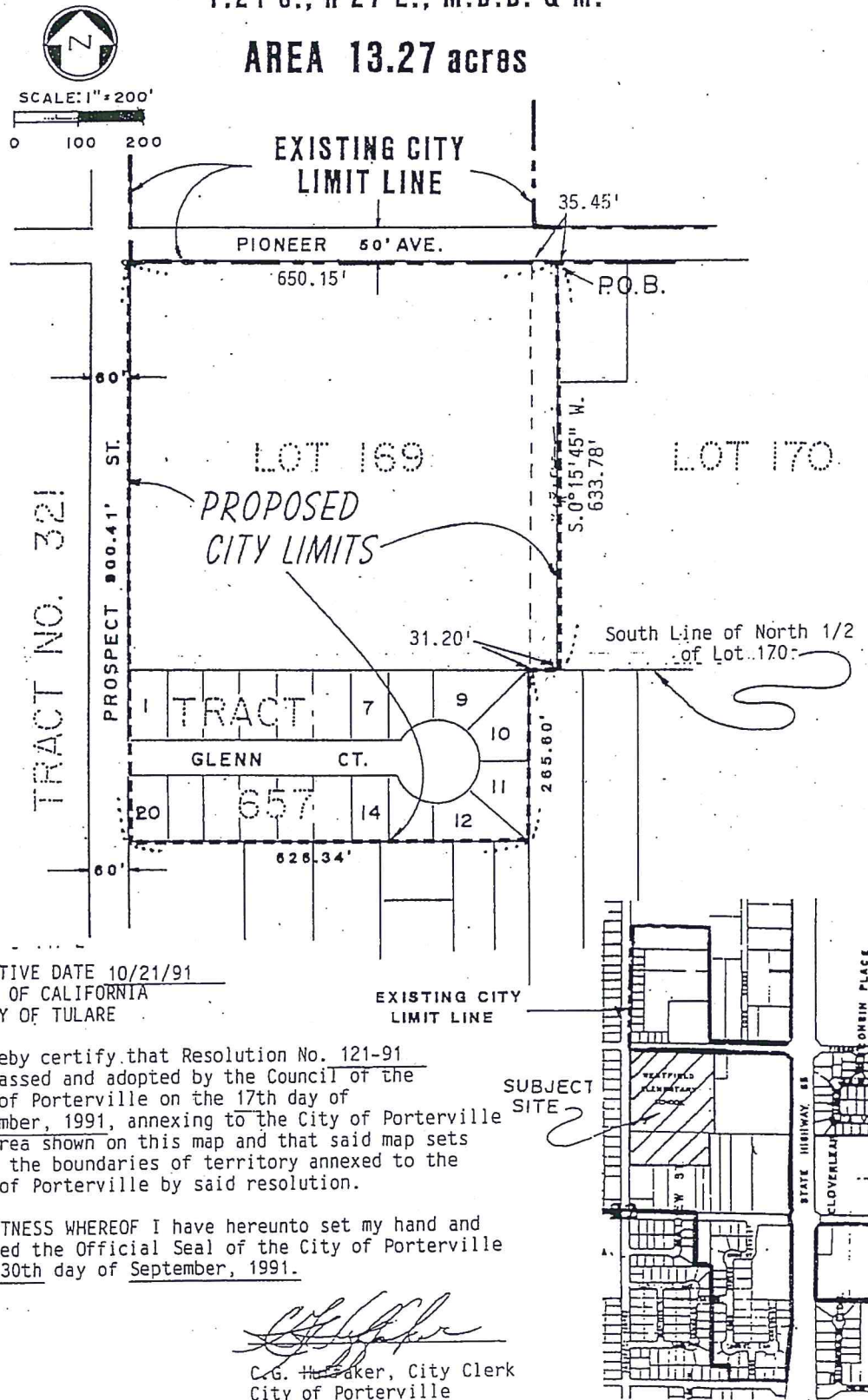
# ANNEXATION NO. 396

## 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



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.

*C.G. H. Baker*  
C.G. H. 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;

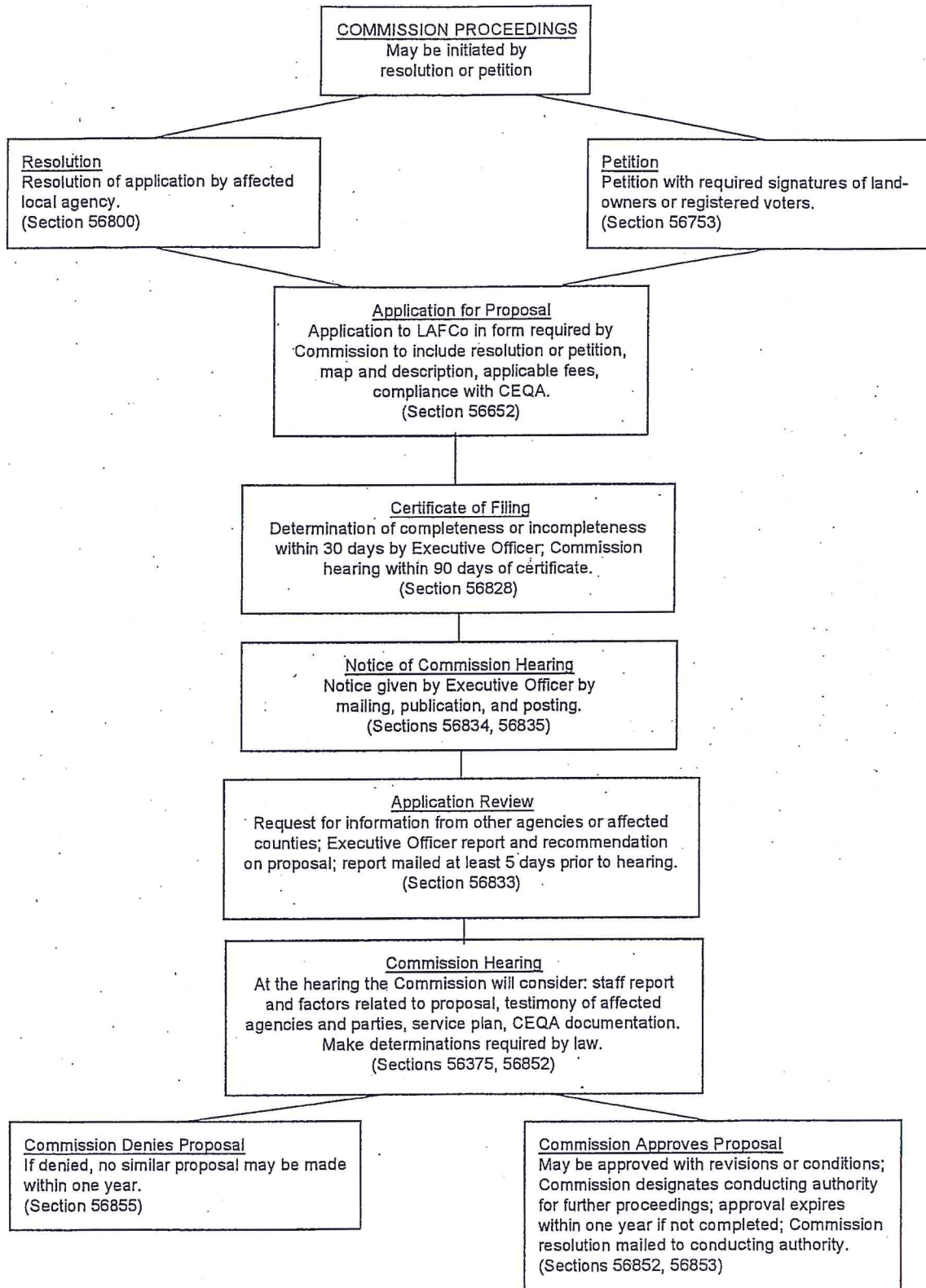
Thence, south along the east line of Tract No. 657, a distance of 265.60 feet to the southeast corner of said Tract;

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);

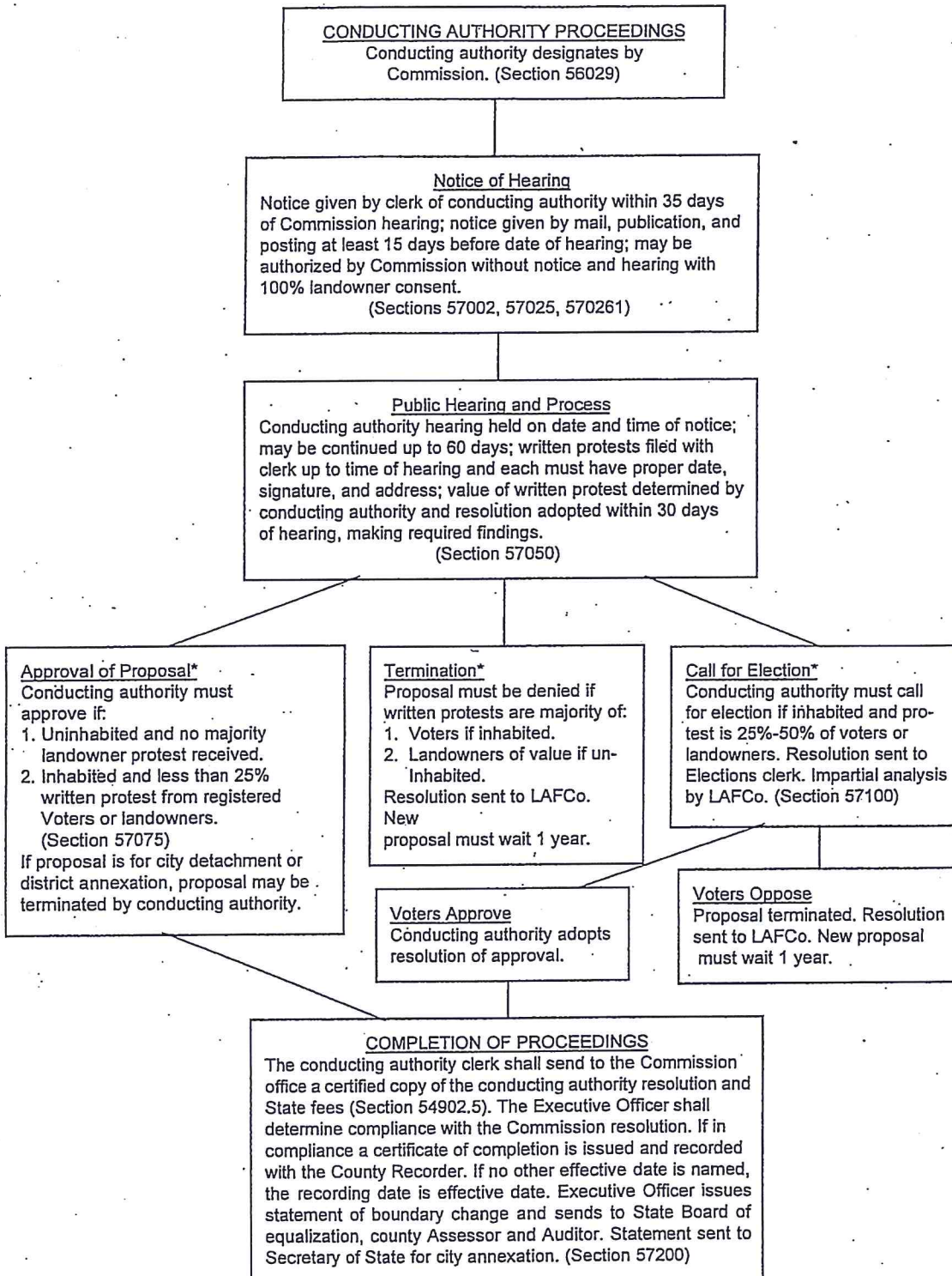
Thence, north along the east right-of-way line of Prospect Street, a distance of 900.41 feet to the south right-of-way line of Pioneer Avenue and an angle point in the existing City Limit Line;

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.

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.



# 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.



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.B.1.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.



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

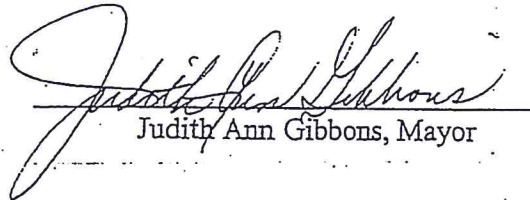
*Except as provided by Section 25-36.2 pertaining to sewer connections outside city limits, the city council may, at its option and sole discretion, elect to make available sewer services to inhabitants outside the boundaries of the city and under such rules and regulations as the city council may, at 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.*

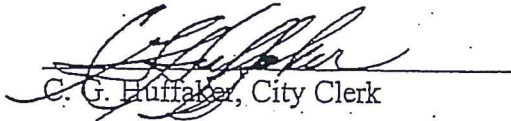
Sec. 25-36.2 Approval for sewer service outside city limits

*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

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

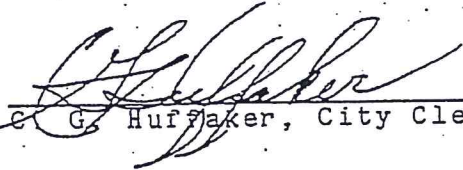
BE IT HEREBY RESOLVED by the City Council of the City of  
Porterville that the following Municipal Services Processing Fees  
are hereby adopted:

- 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:

  
\_\_\_\_\_  
C. G. Huffaker, City Clerk



# ***Policies and Procedures***

## ***Tulare County Local Agency Formation Commission***

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**Policy Number:** C-6

**Effective Date:** February 6, 2002

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

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**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**

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](mailto: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**

## Application for Irrevocable Agreement to Annex 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 to Annex 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 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