

RESOLUTION NO. 2007-03

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE
COUNTY OF SUTTER MAKING DETERMINATIONS AND APPROVING A
REORGANIZATION OF TERRITORY DESIGNATED AS THE BAINS-COSTA
REORGANIZATION NO. 331

Recitals

1. On December 20, 2007, a landowner petition was submitted to the Sutter County Local Agency Formation Commission requesting a reorganization of territory to annex 9.63 acres to the City of Yuba City and detachment of the property from County Service Area "G". In an effort to establish a more logical governmental boundary, staff has proposed enlarging the reorganization area to include an additional 11.77 acres for total reorganization area of 21.4 acres. The expanded reorganization area is generally located north of Butte House Road at the intersection of Elmer Avenue.
2. On March 9, 2007, LAFCO issued a Certificate of Filing in accordance with Government Code Section 56658(g);
3. At the time and in the form and manner provided by law, the Executive Officer gave notice of a public hearing to be held by the commission on the application;
4. The Executive Officer has reviewed the application and prepared a report, including his recommendations. The petition and report have been presented to and considered by the Commission; and
5. The Executive Officer's Report sets forth and discusses the factors to be considered in the review of a proposal required by Government Code section 56668 (a part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000). Those items, which are fully discussed and analyzed in the statement of reasons contained in the Executive Officer's Report, are listed below:
 - a. Population
 - Population;
 - Population Density;
 - Proximity to Other Populated Areas; and
 - Likelihood of Significant Growth in the Subject Area and Adjacent Incorporated and Unincorporated Areas in the Next 10 Years.
 - b. Physical Characteristics
 - Land Area and Land Use;
 - Topography;
 - Natural Boundaries; and
 - Drainage Basins.

- c. Need for Services
 - Per Capita Assessed Valuation;
 - Need for Organized Community Services;
 - Present Cost and Adequacy of Governmental Services and Controls In the Area;
 - Probable Future Needs For Those Services and Controls; and
 - Probable Effects of the Proposed Change of Organization or Reorganization and Alternative Courses of Action On the Cost and Adequacy of Services and Controls In the Area and Adjacent Areas.

- d. Mutual Social and Economic Interests and Governmental Structure
 - Effect of the Proposed Action and Alternative Actions on Adjacent Areas;
 - Mutual Social and Economic Interests; and
 - Effect of the Proposed Action and Alternative Actions on Local Governmental Structure of the County.

- e. Consistency with Growth and Agricultural Land Preservation Policies
 - Conformity of Both the Proposal and Its Anticipated Effects With Both the Adopted Commission Policies On Providing Planned, Orderly, Efficient Patterns of Urban Development, and the Policies and Priorities Set Forth In Section 56377; and
 - The Effect of the Proposal on Maintaining the Physical and Economic Integrity of Agricultural Lands.

- f. Boundary Characteristics
 - Definiteness and Certainty of the Boundaries of the Territory;
 - Nonconformance of Proposed Boundaries with Lines of Assessment; and
 - Creation of Islands or Corridors of Unincorporated Territory.

- g. Consistency with Plans and Spheres of Influence
 - Consistency with City and County General and Specific Plans;
 - Sphere of Influence of Any Local Agency Which May Be Applicable

- h. Ability of the proposed County Service Area and the city of Yuba City to provide protection and emergency response service, including sufficiency of revenues.

- i. Timely availability of water supplies
 - Adequacy of the water supplies for the City of Yuba City

- j. Project's effects upon meeting regional housing goals

- k. Other
 - Any information or comments from the landowners or owners.
 - Any information relating to existing land use designations.

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The commission has reviewed and considered the Executive Officer's Report including those factors required by Government Code section 56668 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the rules and procedure for the Sutter County Local Agency Formation Commission, as amended April 24, 2003. The commission conducted a public hearing at which it heard and received oral and written comments, other evidence submitted, and objections presented or filed regarding the proposed change of organization. All persons present were given an opportunity to hear and be heard.

The LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SUTTER resolves, determines, orders, and finds as follows:

Section 1. In accordance with the California Environmental Quality Act (CEQA) and the Guidelines, a mitigated negative declaration was adopted by the City of Yuba City as part of establishing pre-annexation zoning for the property. LAFCO, as a responsible agency for the reorganization, has considered the City's environmental document and the potential impacts of the proposal and concurs with the City's determination. The Executive Officer is directed to file a Notice of Determination consistent with Section 15096(i) of the CEQA Guidelines.

Section 2. LAFCO has independently reviewed, analyzed, and considered the Initial Study and Mitigated Negative Declaration prepared by Yuba City prior to making its decision on the project and finds the Mitigated Negative Declaration reflects the independent judgment of Sutter LAFCO.

Section 3. The Commission adopts and incorporates by reference the Executive Officer's Report, and its attachments and appendices, as its Statement of Reasons for approving reorganization.

Section 4. Based on the evidence, analysis, and conclusions set forth in this resolution and the Executive Officer's Report, the Commission finds that the reorganization serves to further the purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including, but not limited to, the following: efficiently providing government services and facilitating the orderly formation and development of local agencies based upon local conditions and circumstances. This proposal will not encourage urban sprawl because the reorganization is located within the Yuba City sphere of influence and will adjoin the existing city boundaries. This proposal will not affect open-space or agricultural lands because these lands currently used agriculturally were committed to urban development in 1990 by LAFCO adopting the sphere of influence boundary that was subsequently updated on December 4, 2006, the 1996 County General Plan and the 2004 adoption by the City of a new General Plan for the area. The reorganization area does not include prime agricultural soils. The Commission finds the City of Yuba City as a single, multiple-purpose governmental agency is better able to assess and be accountable for community service needs and natural resources than limited purpose agencies.

Section 5. The reorganization area is approved with the boundaries as shown on Exhibit A, which is attached and made a part of this Resolution.

Section 6. The lands shown on Exhibit A are detached from County Service Area "G". The City of Yuba City shall be the entity to provide fire protection services to the reorganization area.

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All existing fees, levies and charges currently collected by County Service Area "G" will continue in existence after the reorganization proceedings are completed.

Section 7. The Commission also determines:

- a. The territory is inhabited;
- b. The reorganization area is consistent with the adopted sphere of influence of the City of Yuba City.

Section 8. The exchange of property tax revenue for the reorganization area shall occur consistent with the Master Property Tax Exchange Agreement adopted by the Yuba City Council and Sutter County Board of Supervisors on July 6, 2000.

Section 9. The reorganization is assigned the following short form designation:

"BAINS-COSTA REORGANIZATION NO. 331"

Section 10. The Commission determines the Bains-Costa Reorganization No. 331 is not substantially similar to the Tatla-Walker Reorganization No. 326 that was rejected by voters in June, 2006, because the Bains-Costa proposal, consisting of 21.4 acres, is significantly smaller in size than the Tatla-Walker Reorganization that was 395± acres in size.

Section 11. The Sutter County Local Agency Formation Commission shall be the conducting authority and shall provide appropriate notice of its hearings or other proceedings.

Section 12. The effective date of the reorganization shall be 30 days following the recording of the Certificate of Completion.

Section 13. The Chief Petitioners shall prepare the necessary legal description and map for the reorganization area, acceptable to the State Board of Equalization, and pay all fees of the State Board of Equalization.

Section 14. The Chief Petitioners shall pay any outstanding balance owed to LAFCO for the processing of the proposal prior to the recording of the Certificate of Completion.

Section 15. A Certificate of Completion for the reorganization shall be recorded within one year of the approval date or the Commission's approval shall expire, unless, prior to the expiration, an extension of time has been approved by the Commission (Expires April 26, 2008).

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Passed and adopted this 26th day of April, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ATTEST:

Chairperson

Larry T. Combs
Executive Officer