

RESOLUTION NO. 2007-09

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF
SUTTER APPROVING THE REQUEST FOR RECONSIDERATION
FOR THE REORGANIZATIONS OF TERRITORY DESIGNATED AS THE
GEORGE WASHINGTON BOULEVARD/FRANKLIN ROAD REORGANIZATION
NO. 332

Recitals

1. On January 4, 2007, three separate landowner petitions were submitted to the Sutter County Local Agency Formation Commission requesting reorganizations of territory to annex a combined 139± acres to the City of Yuba City and detachment of the properties from County Service Area "G" and the Consolidated Street Lighting District. The three proposals, comprising LAFCO files 07-01, 07-02 and 07-03 have been processed as a single proposal.
2. On March 8, 2007, LAFCO issued a Certificate of Filing in accordance with Government Code Section 56658(g);
3. On April 26, 2007, the Commission reviewed and considered the Executive Officer's Report, including those factors required by 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 all oral and written protests, evidence, and objections which were made, presented, or filed regarding the proposed reorganization. All persons present were given an opportunity to hear and be heard.

Following the public hearing LAFCO adopted Resolution No. 2007-03 approving the George Washington Boulevard/Franklin Road Reorganization No. 332, annexing approximately 139 acres to the City of Yuba City and simultaneously detaching the property from County Service Area "G".

4. On May 24, 2007, LAFCO received a timely filing for reconsideration by the City of Yuba City requesting modifications to LAFCO's Resolution No. 2007-03.
5. At the time, and in the form and manner provided by law, the Executive Officer gave notice of a reconsideration public hearing to be held by the Commission;
6. The Executive Officer has reviewed the request for reconsideration and prepared a report, including his recommendations. The resolution of application and report have been presented to and considered by the Commission; and
7. On July 26, 2007, the Commission conducted a public hearing at which it heard and received all oral and written comments, evidence and objections which were made, presented or filed regarding the proposed reconsideration and all persons present were given an opportunity to hear and be heard in respect to any matter related thereto.

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

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Section 1. The request for reconsideration and/or amendment of Resolution No. 2007-03 is approved because new facts that could not have been presented previously have been brought to the Commission. Sutter LAFCO hereby rescinds Resolution No. 2007-03 in its entirety.

Section 2. 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 3. Sutter LAFCO has independently reviewed, analyzed, and considered the Initial Study and Negative Declaration prepared by Yuba City prior to making its decision on the project and finds that the Negative Declaration reflects the independent judgment of Sutter LAFCO.

Section 4. The Commission readopts and incorporates by reference the Executive Officer's staff report and attachments prepared for the April 26, 2007, meeting and adopts and incorporates by reference the Executive Officer's staff report and attachments prepared for the July 26, 2007 meeting as its statement of reasons for approving the reorganization of territory.

Section 5. The Commission determines the boundaries of the reconsideration request are identical to the proposal presented at the April 26, 2007, meeting. The original determinations and reasons for approval adequately cover the reconsideration and reorganization of territory.

Section 6. 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 area is located within the Yuba City sphere of influence and is bordered by the City on three sides. This proposal will not affect open-space or agricultural lands because lands currently used agriculturally are already zoned for urban development and could be subdivided today regardless of annexation. The reorganization area is located away from the agricultural lands lying to the north and south of Yuba City (Bogue Road) that are designed to be preserved and protected from urban development in the County's General Plan. The Commission finds in this case that 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 7. The reorganization is approved with the boundaries as shown on Exhibit "A" of this resolution, which is attached and made a part of this resolution.

Section 8. The lands shown on Exhibit "A" are hereby detached from County Service Area "G". The City of Yuba City shall be the entity to provide fire protection services to the reorganization area. All existing fees, levies and charges currently collected by County Service Area "G" will continue in existence after reorganization proceedings are completed.

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Section 9. The lands shown on Exhibit "A" are hereby detached from the Consolidated Street Lighting District. The authority and responsibility for street lighting services within the reorganization area shall be transferred to the City of Yuba City. All existing fees, levies and charges currently collected by the District will continue in existence after reorganization proceedings are completed.

Section 10. The Commission also determines:

- a. The territory subject to reorganization is inhabited;
- b. The reorganization of territory is consistent with the Yuba City spheres of influence.

Section 11. The reorganization is assigned the following short form designation:

" GEORGE WASHINGTON BOULEVARD/FRANKLIN ROAD REORGANIZATION NO. 332"

Section 12. The exchange of property tax revenue within the reorganization area shall occur consistent with the Master Property Tax Exchange Agreement approved by Yuba City and Sutter County on July 6, 2000.

Section 13. The Sutter County Local Agency Formation Commission shall be the Conducting Authority and shall provide appropriate notice of its hearings or other proceedings.

Section 14. The Executive Officer is directed to mail copies of this resolution in the manner provided in Government Code Section 56882 and to mail a copy to the legislative body of Yuba City.

Section 15. The effective date of the reorganization shall be 30 days following the recording of the Certificate of Completion

Section 16. 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 17. 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 18. 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 July 26, 2008).

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Passed and adopted this 23rd day of August, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

Chairperson

ATTEST:

Larry T. Combs
Executive Officer