

RESOLUTION NO. 2004-_____

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF
THE COUNTY OF SUTTER MAKING DETERMINATIONS AND APPROVING
THE REQUEST FOR RECONSIDERATION FOR THE TERRITORY
DESIGNATED AS THE NORTHEAST YUBA CITY
REORGANIZATION NO. 316

Recitals

1. On September 18, 2003, a landowner petition was submitted to the Sutter County Local Agency Formation Commission (LAFCO) requesting a reorganization to annex those unincorporated lands lying southeast of the intersection of Pease Road and State Highway 99, west of Live Oak Boulevard, and north of the current City limits and to detach the property from County Service Area G.
2. On October 24, 2003, LAFCO issued a Certificate of Filing in accordance with Government Code Section 56658(g);
3. In order to facilitate clear, easily recognizable City/County boundaries, LAFCO together with the city of Yuba City, has proposed to expand the reorganization area to those unincorporated lands lying 1,200± feet north of Pease Road, east of State Highway 99, and west of Live Oak Boulevard, comprising an additional 79± acres to the annexation boundary.
4. On January 22, 2004, LAFCO adopted Resolution No. 2004-02 approving the proposed reorganization annexing 232 acres, including the foresaid lands lying north of Pease Road, to the city of Yuba City and detaching of the property from County Service area "G".
5. Following LAFCO's approval of the proposal on January 22, 2004, LAFCO staff discovered that inadequate legal notice had been provided for the January 22, 2004, public hearing.
6. Sutter LAFCO's Assistant Executive Officer timely filed a request for reconsideration for the proposal upon the discovery that inadequate legal notice was provided for the Northeast Yuba City Reorganization No. 316 and requested that a new public hearing be conducted on the matter.
4. 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;
5. 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
6. 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. Timely availability of water supplies
 - Adequacy of the water supplies for the city of Yuba City

- i. Project's effects upon meeting regional housing goals
- j. Other
-Comments of Any Affected Local Agency.

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 area, has considered the City's environmental document and the potential impacts of the proposal and concurs with the City's determination.

Section 2. LAFCO has independently reviewed, analyzed, and considered the Initial Study Mitigated Negative Declaration prior to making its decision on the project and finds that the Mitigated Negative Declaration reflects the independent judgment of Sutter LAFCO. The Executive Officer is directed to file a Notice of Determination consistent with Section 15096(i) of the CEQA Guidelines.

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 area 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 lands currently used agriculturally were committed to urban development in 1988 at the time Yuba City provided urban General Plan land use designations to the territory. The reorganization area is located away from the agricultural lands lying to the north and south of Yuba City that are protected by the County's General Plan Policies. 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 5. Resolution No. 2004-02 is rescinded.

Section 6. The reorganization is approved with the boundaries as shown on Exhibit "A", which is attached and made a part of this resolution.

Section 7. The lands shown on Exhibit "A" are hereby detached from County Service Area "G". All existing fees, levies and charges currently collected by County Service Area "G" will continue in existence after reorganization proceedings are completed.

Section 8. The Commission also determines:

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

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

"NORTHEAST YUBA CITY REORGANIZATION NO. 316"

Section 10. The Sutter County Local Agency Formation Commission shall be the conducting authority and shall provide appropriate notice of its hearings or other proceedings.

Section 11. The effective date of the reorganization shall be the first Monday immediately following the recording of the Certificate of Completion.

Section 12. The city of Yuba City 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 13. The city of Yuba City shall pay any outstanding balance owed to LAFCO for the processing of the proposal prior to the recording of the Certificate of Completion.

Passed and adopted this 22nd day of April, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

Chairperson

ATTEST:

Larry T. Combs
Executive Officer