

LOCAL AGENCY COMMISSION

OF

COLUSA COUNTY

EXECUTIVE OFFICER'S REPORT

MEETING DATE: January 7, 2010 3:00 PM

TO: Colusa Local Agency Formation Commission

FROM: John Benoit, Executive Officer

SUBJECT: LAFCO 2009-02: Sphere of Influence Amendment and Detachment of 52.115 acres from the Glenn-Colusa Irrigation District APN # 005-270-016 and 016-070-101 (partial) known as the Valley Ranch Unit #6 detachment.

Attachments:

1. LAFCO Resolution 2010-0001 a Sphere of Influence Amendment removing 52.115 acres from the Glenn-Colusa Irrigation District Sphere (GCID).
2. LAFCO Resolution 2010-0002 approving a 52.115-acre detachment from the Glenn-Colusa Irrigation District (GCID).
3. Parcel Map approved by the City of Williams
4. Notice of Exemption

1. Summary:

William and Garnett Vann, have applied to LAFCO to detach 52.115 acres of uninhabited territory from the Glenn-Colusa Irrigation District (GCID). This territory is located east of Interstate 5 and includes a portion of a currently developing area within the northeast portion of the Valley Ranch Subdivision (Valley Ranch #6) consisting of APN's 016-070-016 and 016-070-101 (partial). The City of Williams recently approved a Parcel Map for this property in 2008 which divided APN # 016-070-101 (see attachment #3). New Assessor parcels have not yet been assigned. This territory is exempt from the California Environmental Quality Act Class 19 lots for existing facilities and lots for exempt facilities (see attachment #4). The City of Williams recently adopted a Notice of Exemption for the Parcel Map. Pursuant to CEQA Guideline section 15315 for a minor land division. This territory is within the City Limits and the Sphere of Influence for the City of Williams. A Sphere of Influence amendment and detachment for GCID is needed even though the territory has been annexed to the City.

Staff recommends that the Local Agency Formation Commission of Colusa County approve a sphere of influence amendment removing 52.115 acres from the GCID Sphere of Influence and detaching 52.115 acres of territory from the GCID subject to the terms and conditions included in the attached resolutions (Attachments #1 and #2).

2. Proposal and Justification:

Detachment of approximately 52.115 acres of incorporated yet uninhabited territory from the GCID. This area was not detached from the GCID when it was annexed to the City of Williams. It was previously agreed by the City, the Developer and the GCID this territory would be detached prior to development. GCID is an agricultural water service provider and does not nor is authorized to provide domestic water services. The subject property, which lies within the City Limits of the City of Williams, is being developed for Light Industrial use in accordance with the City's General Plan and no longer requires the services of the Glenn-Colusa Irrigation District. It has been divided from adjacent agricultural land by means of a Lot Line Adjustment, the the remainin territory, which is unincorporated, including 278.306 acres will remain in Agricultural Production and the Glenn-Colusa Irrigation District.

Development of the territory will provide a future business park development, the future Colusa County Office of Education site on Lot 1 and the future Yuba College satellite campus site on Lot 2 of the parcel map approved by the City of Williams.

3. Location:

This property is bounded by Highway 20 on the North, I-5 on the West, Husted Road on the East and E. Street on the South. A portion of Sections 12 & 13, Township 15 North, Range 3 West, MDBM.

4. Purpose:

GCID provides irrigation water services. Domestic Water services are provided by the City of Williams. There is no need to remain within the GCID since irrigation services are no longer necessary.

Accepted for filing: December 8, 2009

Publication and Posting: December 12, 2009

Compliance with CEQA:

Lead Agency:	Colusa LAFCO
Environmental Finding:	Exempt
Date of Finding:	December 12, 2009

Compliance with applicable Plans:

As stated by the City the proposed detachment conforms to the City of Williams General Plan (Light Industrial, (M-L) and Heavy Industrial (M-H).

Compliance with the Sphere of Influence:

The proposed detachment does not conform to the adopted Sphere of Influence Update for the GCID (LAFCO Resolution #2008-0005). Therefore, a Sphere of Influence amendment for GCID

is required. Updates for the City's sphere of influence and others will be forthcoming as part of LAFCO's work program. See Sphere of Influence Amendment below.

Existing Land Use and Zoning:

LAND USE DESIGNATION:	Light Industrial, and Heavy Industrial).
ZONING:	Light Industrial, (M-L) and Heavy Industrial (M-H)
DWELLINGS:	None.
POPULATION:	None.
REGISTERED VOTERS:	None.
LANDOWNERS:	WILLIAM VANN, ET. AL. 365 Ruggieri Way Williams, CA 95987

Existing Land Use for surrounding territory:

- North: Highway 20 and Agriculture
- East: Husted Road Agricultural Land and Glider Airport
- South: Commercial Uses and E Street
- West: Interstate 5

Proposed development: Commercial Uses and College Center.

Fiscal data: Colusa County Board of Supervisor's Resolution 00-47 states any share of property tax revenue (including base tax revenue and annual tax increment) belonging to the detached property shall be distributed to the County and to all of the other taxing agencies within the subject territory based on their share of property tax revenue with in the subject tax rate area.

Existing service agencies:

School District:	Williams Unified School District.
Fire Protection:	Williams FPA
General Government	City of Williams
Police Protection	City of Williams
Agricultural Water Service	GCID
Water and Wastewater:	City of Williams

Street Lighting: City of Williams

Proposed service agencies:

School District: Williams Unified School District

Fire Protection: Williams FPA

General Government City of Williams

Police Protection City of Williams

Agricultural Water Service none

Water and Wastewater: City of Williams

Street Lighting: City of Williams

Sphere of Influence Amendment

Pursuant to Government Code Section 56425, LAFCO must consider four specific issues prior to making written determinations to support its action in amending the Sphere of Influence for GCID. These are discussed in the following paragraphs:

1. The present and planned land uses in the area, including agricultural and open space lands.

Present and planned land uses in the area include light and heavy industrial and a College center. The City of Williams has approved residential subdivisions south of this territory. The existing land uses surrounding the subject lands consist of commercial and agricultural lands bounded by transportation corridors. Lands in the City are no longer in need of agricultural irrigation water.

2. The present and probable need for public facilities and services in the area.

The current and planned development of properties within the territory will need urban water to support urban development type uses, the City of Williams provides urban water and wastewater services. Since the territory is no longer in Agriculture, the need for Glenn-Colusa Irrigation District water no longer exists.

3. The present capacity of public facilities and adequacy of services that the agency is authorized to provide.

The City of Williams provides full services to existing and proposed development. When the territory was annexed to the City the territory was never detached from the Glenn Colusa Irrigation District. GCID does not have the ability or desire to service urban development.

4. The existence of any social or economic land communities of interest in the area if the Commission determines that they are relevant to the community.

The subject territory is located within the City of Williams (on the east side of Highway 5) and is within its boundaries and its Sphere of Influence. As a result of this detachment and subsequent development, the area is no longer agricultural in nature and in no need of agricultural water services.

Conclusion:

The above considerations are the basis to support the detachment from the Sphere of Influence from the Glenn-Colusa Irrigation District. Recommended actions are presented in accordance with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as they apply to the Sphere of Influence Studies.

Based upon the foregoing the above stated recommendations should be approved by adopting the attached Resolution Making Determinations and Approving the Sphere of Influence Amendment for the Glenn Colusa Irrigation District to exclude this territory including 52.115 acres from its Sphere of Influence.

GOVERNING LAW

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding annexations, incorporations, reorganizations, and other changes of government. Section 56668 of the Government Code states the following:

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.
- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

- (d) The 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.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) A regional transportation plan adopted pursuant to Section 65080, and Consistency with city or county general and specific plans.
- (h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- (i) The comments of any affected local agency.
- (j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5
- (l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7.
- (m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.
- (n) Any information relating to existing land use designations.
- (o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

These factors will be reviewed with regard to the detachment of incorporated territory from the Glenn Colusa Irrigation District.

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

This proposal will not have any impact upon population growth in the area since the existing territory is planned and zoned for business park, public, commercial and industrial uses.

- (b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

“Services,” as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

There is no longer a need for irrigation services for this area.

- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

This detachment will have no effect on social and economic interests since there will be no additional growth other than previously contemplated and agricultural areas are separated from incorporated territory by transportation corridors.

- (d) The 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.

The adopted Commission policies are examined below.

- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

The land proposed for detachment is within the City Limits and no longer needs agricultural water. This action will not have an impact upon the integrity of Agricultural lands through growth inducement or the reduction of parcel sizes since the territory is within the city limits.

- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The boundaries are definite and certain. The City and GCID will not be service providers at the same time.

- (g) A regional transportation plan adopted pursuant to Section 65080 and consistency with city or county general and specific plans.

The proposed action is consistent with the City General Plan. Agricultural water services are no longer needed.

- (h) The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.

This area is within the Glenn Colusa Irrigation District Service Area boundary and Sphere of Influence. An amendment to the SOI will be necessary to detach the territory from the Glenn Colusa Irrigation District.

- (i) The comments of any affected local agency.

N/A

- (j) The ability of the newly formed or receiving entity to provide the services, which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

N/A

- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5

N/A.

- (l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7.

N/A

(m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

N/A

(n) Any information relating to existing land use designations.

The proposed project is not in conflict with the City of Williams General Plan.

(o) The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

There are no issues associated with environmental justice with this proposal.

Governing Law and LAFCO Policy

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding detachments, annexations, incorporations, reorganizations, and other changes of government. LAFCO’s policies and procedures have been adopted to be consistent with the policy directives of the Act. Specifically, Policies adopted by Colusa LAFCO are designed to:

- a) Provide Information. Give applicants for changes of organization guidance as to the information LAFCO needs to make appropriate determinations concerning their applications and provide information and notice to elected officials, governmental staff, and members of the general public as to the standards and procedures that LAFCO will use in evaluating applications.
- b) Set Criteria. Provide applicants for changes of organization with explicit guidance as to the criteria LAFCO will use in approving, disapproving, amending, or conditionally approving applications for changes of organization.
- c) Ensure Greater Consistency in LAFCO's decision-making process.
- d) Facilitate Communication among local agencies in the region.
- e) Minimize Adverse Impacts of the social, economic and environmental results of growth.
- f) Provide for Planned, Well-Ordered Efficient Urban Development Patterns with appropriate consideration of preserving open space lands within those patterns.

The following table is provided as a guide for the Commission to consider.

This proposal complies with applicable legal and proposed policy requirements, as summarized below:

General Policies

<i>Policy</i>		<i>Comment</i>
Communication between local agencies is encouraged.	<i>N/A</i>	<i>Environmental reviews need to be forwarded to LAFCO in future projects.</i>
Urban development proposals shall include annexation to a city where possible.	<i>N/A</i>	<i>The Territory has already been annexed to the City but should have been detached from GCID at the same time.</i>
LAFCO will normally deny proposals that result in urban sprawl.	<i>N/A</i>	<i>This project is within city boundary and is included in the City's Sphere of Influence. The property is bounded by transportation corridors.</i>
Environmental consequences (CEQA) shall be considered.	<i>Consistent</i>	<i>This territory is exempt from CEQA.</i>
LAFCO will consider the impact of a proposal on the regional supply of housing for all income levels.	<i>N/A</i>	<i>The City's Housing Element calls for a variety of housing types for various income groups.</i>
LAFCO will favor proposals that promote compact urban form and infill development.	<i>N/A</i>	<i>This area is zoned and planned for a variety of industrial/commercial uses.</i>
Government structure should be simple, accessible, and accountable.	<i>Consistent</i>	<i>There is no indication of unnecessary complexity or lack of accessibility or accountability all services are provided by the City</i>
Agencies must provide documentation that they can provide service within a reasonable period of time.	<i>N/A</i>	<i>City services are provided in this area.</i>
Efficient services are obtained when proposals: Utilize existing public agencies. Consolidate activities and services. Restructure agency boundaries to provide more logical, effective, and efficient services.	<i>Consistent</i>	<i>This proposal is consistent since irrigation water is not needed for an urban area and GCID does not provide domestic water services.</i>
Adverse impacts on adjacent areas, social and	<i>Consistent</i>	<i>This area is consistent</i>

<p>economic interests and the local government structure must be mitigated.</p>		<p><i>with the Sphere of influence of the City. A minor amendment from the Sphere of Influence from GCID is also needed.</i></p>
<p>Conformance with general & specific plans required.</p>	<p><i>Consistent</i></p>	
<p>Boundaries: Definite boundaries are required. Boundaries that are favored: Create logical boundaries & eliminate islands or illogical boundaries. Follow natural or man-made features and include logical service areas. Boundaries that are disfavored: Split neighborhoods or communities. Result in islands, corridors, or peninsulas. Drawn for the primary purpose of encompassing revenue-producing territories. Create areas where it is difficult to provide services.</p>	<p><i>Consistent</i></p>	<p><i>This detachment is creates a logical boundary for the uninhabited yet urbanizing area east of I-5.</i></p>
<p>Revenue neutrality required for all proposals.</p>	<p><i>Consistent</i></p>	<p><i>No tax exchange is to occur. New services will be fee supported and GCID and the USBR will require cash payments to detach.</i></p>
<p>Agricultural and Open Space Land Conservation Standards: Must lead to planned, orderly & efficient development. Approved Sphere of Influence Plan required. Findings with respect to alternative sites required. Impact on adjacent agricultural/open space lands assessed. Agricultural Buffers</p>	<p><i>Consistent</i></p>	<p><i>These items were assessed in the original environmental review. The Sphere of Influence for the GCID will also need to be amended.</i></p>
<p>Need for services exists when: Public health and safety threat exists. The residents have requested extension of non-growth-inducing community services. Subject area is likely to be developed for urban use within 5 years.</p>	<p><i>Consistent</i></p>	<p><i>The City has approved entitlements for development and has approved a Parcel Map.</i></p>
<p>Exceptions are justified on the following grounds: Unique. Standards Conflicts. Quality/Cost. No Alternative.</p>	<p><i>Consistent</i></p>	

Annexation and Detachment Policies—General

<i>Policy</i>		<i>Comment</i>
Proposals must be consistent with LAFCO general policies.	<i>Consistent</i>	
A proposal must be consistent with the agency’s Sphere Plan and Municipal Service Review.	<i>Consistent</i>	<i>GCID’s MSR was adopted on November 1, 2007. No changes are needed.</i>
Plan for Services required.	<i>N/A</i>	
Subject territory must be contiguous to the agency’s boundaries if required by law, or if necessary for efficient service delivery.	<i>N/A</i>	<i>The project area is contiguous to the city’s boundaries and uses with city services.</i>
The detachment is necessary to ensure delivery of services essential to Health and Safety.	<i>Consistent</i>	
The Successor provider will be the most efficient service provider	<i>Consistent</i>	<i>The City of Williams is the urban water purveyor. Agricultural water is not needed.</i>
The service plans for districts, which lie within a City’s Sphere of Influence should provide for orderly detachment of territory from the district or merger of the district as district territory is annexed to the City.	<i>Consistent</i>	<i>The detachment should have occurred upon annexation of territory to the City of Williams.</i>
Detachment from a City or Special District shall not relieve the landowners within the detaching territory from existing obligations for bonded indebtedness or other indebtedness previously incurred.	<i>Consistent</i>	<i>The project proponent shall pay the bonded indebtedness to the GCID and USBR, as appropriate</i>
Adverse impact of detachment on other agencies or service recipients is cause for denial.	<i>Consistent</i>	<i>Detachment of GCID should have occurred upon annexation to the City of Williams</i>
Action options include: Approval. Conditional approval to require only a portion of the area to be detached. Denial.		

Comments from the public and public agencies

None Received

Recommendation

Staff recommends the Commission take the following actions:

Approve Resolution 2010-001 - an amendment to the GCID Sphere of Influence to exclude the 52.115-acre territory.

Approve this proposal to detach the territory from the GCID subject to the recommended conditions that have been incorporated into proposed Resolution 2010-0002.

Suggested Motion:

I move to offer Resolution 2010-0001 approving an amendment to the Glenn-Colusa Irrigation District's Sphere of Influence to exclude approximately 52.115 acres.

I move to offer Resolution 2010-0002 approving the proposed detachment of uninhabited territory from the Glenn-Colusa Irrigation District subject to recommended terms and conditions.