

RESOLUTION 20-61

RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF COLUSA REQUESTING THE COLUSA COUNTY LOCAL AGENCY FORMATION COMMISSION INITIATE PROCEEDINGS FOR THE ANNEXATION OF UNINCORPORATED TERRITORY TO THE CITY OF COLUSA INVOLVING APPROXIMATELY 12.83 ACRES OF PROPERTY, WITH ADJACENT PUBLIC RIGHTS-OF-WAY

WHEREAS, on January 3, 2019, Joh and Julieann Cheney and Jeffrey Wilson (“Applicants”) filed a City of Colusa master planning application to annex, prezone, and subdivide approximately 12.83 acres of property (“Property”) located at 1425 5th Street (“Project”); and

WHEREAS, the Council of the City of Colusa desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 *et seq.*, for a reorganization to annex the Property located in the unincorporated area of Colusa County to the City of Colusa; and

WHEREAS, the 12.83-acre Property is located within the City of Colusa Sphere of Influence; and

WHEREAS, a description (Exhibit A) and map (Exhibit B) of the boundaries of the Property proposed to be annexed into the City of Colusa are attached hereto and made a part hereof, respectively; and

WHEREAS, the Colusa County Local Agency Formation Commission (“LAFCO”) is the agency with jurisdiction over such reorganizations within Colusa County (“County”); and

WHEREAS, a notice of intent to adopt this Resolution of Application has been given and published pursuant to Government Code Section 56654; and

WHEREAS, the principal reasons for the proposed reorganization are as follows:

1. The City Council has determined that the proposed reorganization will promote the general health, safety and welfare of the community.
2. The City Council has determined that the reorganization, including the annexations and detachments listed herein, is consistent with and facilitates fulfillment of the goals, policies and objectives set forth in the *City of Colusa General Plan*.
3. The City Council has determined that, with future low-density residential development, annexation of the property will comply with and implement the *City of Colusa General Plan*.
4. The City Council has determined that there is sufficient infrastructure to serve the Subject Property, based upon the *Cheney-Wilson Subdivision Plan for Services* (Exhibit C).
5. The City has, prior to or concurrent with the approval of this resolution, adopted an ordinance pre-zoning the subject Property; and

WHEREAS, the following agency or agencies would be affected by the proposed jurisdictional changes:

<u>Agency</u>	<u>Nature of Change</u>
City of Colusa / City of Colusa Fire Dept.	Annexation of approximately 12.83 acres
Sacramento River Fire Protection District	Detachment of approximately 12.83 acres

WHEREAS, the City of Colusa, as “Lead Agency,” prepared an Initial Study/Mitigated Negative Declaration (“IS/MND”), dated August 2020, to evaluate the potential environmental impacts associated with the Project. The IS/MND was prepared in compliance with CEQA Guidelines Sections 15063, 15070 & 15071 and identified mitigation measures that would avoid or mitigate the potential environmental effects of the Project to a point where clearly no significant effects would occur.

WHEREAS, the City and the County have previously entered into, or will enter into, a tax-sharing agreement pursuant to Revenue and Taxation Code Section 99.

WHEREAS, on August 26, 2020 and September 21, 2020, the Planning Commission held duly noticed public hearings –at which times a Planning Department staff report, the *City-CIP Annexation Area Plan for Services*, and oral and/or written testimony were considered– and recommended that the City Council pre-zone and annex the subject Property; and

WHEREAS, The Colusa County Airport Land Use Compatibility Plan requires review of the Project by the Colusa County Airport Land Use Commission; and

WHEREAS, On November 6, 2020, during a duly noticed public hearing, the Colusa County Airport Land Use Commission considered and, and by a vote of 5-0-2, approved a resolution determining limited compatibility with the Colusa County Airport Land Use Compatibility Plan, and establishing Project conditions to minimize impacts to the Colusa County Airport; and

WHEREAS, the City Council held a duly-notice public hearing on the Project on December 15, 2020, and has considered all public testimony, staff reports, correspondence, and other information provided.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

1. Recitals. That the foregoing recitals and findings are true and correct.
2. Findings of Fact. The City Council hereby finds and determines the following facts related to the proposed annexation:
 - A. The Cheney-Wilson annexation conforms with the policies and guidelines of the *City of Colusa General Plan* and the *Colusa Municipal Code*.

- B. The Project site is located within the City of Colusa Sphere of Influence, the City of Colusa General Plan Area, and is adjacent to the existing incorporated boundary of the City of Colusa, as required by the Colusa County LAFCO policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act.
- C. The proposed annexation boundary represents a logical expansion of the incorporated City limits and is consistent with the Colusa County LAFCO policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act.
- D. The Project site was planned for various infrastructure & essential services and accommodated within all City of Colusa master infrastructure planning reports, prepared subsequent to the *2007 City of Colusa General Plan*.
- E. The *Cheney-Wilson Subdivision Plan for Services* illustrates that various systems of City infrastructure & essential services would be available to support the proposed Project. This preliminary plan has been reviewed by City staff and is deemed sufficient to accommodate the requested annexation and pre-zoning.
- F. The project, with mitigations and/or conditions of approval implemented, would not have a detrimental effect on the health, safety, peace, and welfare of persons residing or working in the neighborhood of the project, or be detrimental or injurious to property and improvements in the neighborhood, or the general welfare of the City of Colusa.
- G. Notice of a hearing on the proposed annexation and pre-zoning was sent to all persons owning property within 300-feet of the project site as identified on the Colusa County Assessor rolls, and publicly-noticed.
- H. Subsequent to City Council review, LAFCo will review the proposed annexation with the applicant's plan for services, conduct a fiscal analysis, hold a public hearing, and will vote on the annexation.
- I. The project is consistent with land-use goals and the applicable policies of the *City of Colusa General Plan*, for the following reasons:
 - 1. The Project site is located within the area directly adjoining the current City Limits and will provide opportunities for future employment and housing consistent with General Plan Land Use Policy LU-6.1 which states "Growth shall provide a strong diversified economic base and a reasonable balance between employment and housing for all income groups";
 - 2. The Project site is located within the area directly adjoining the current City Limits and therefore is consistent with General Plan Land Use Policy LU-5.1.; Development patterns shall tier off of existing development and avoid leap-frogging, including areas intended for annexation that are presently outside the city limit,
 - 3. Implementation of the *Cheney-Wilson Subdivision Plan for Services* and compliance with standard City requirements for new infrastructure services will ensure protection of the public's health, safety, and welfare (re: Policy LU-6.3);
 - 4. The Project site is currently serviced by private utility infrastructure. Plans for future public infrastructure and essential services are illustrated, and deemed sufficient by City staff, within the *Cheney-Wilson Subdivision Plan for Services* (re: Policy LU-6.4);
 - 5. All new City water connections within the Project site will be metered and monitored to assist with water conservation efforts (re: Policy MFS-7.2);

6. City and/or private wastewater collection and treatment capacity is currently available to serve the Project properties, following Annexation and once physical improvements to the sewer main are approved and constructed (re Policy MFS-8.2 & -8.5);
 - J. Development of utility infrastructure within the project would comply with the standards, rules, and regulations of City ordinances and regulations, subject to approval of infrastructure improvement plans and/or encroachment permits by City Engineering, Public Works and Planning Department staff.
 - K. Based on the analysis contained in the IS/MND, the City Council finds and determines that the Project would have NO SIGNIFICANT EFFECT on the environment, and that the Project IS WITHIN THE SCOPE of the *City of Colusa General Plan Update Master Environmental Impact Report*, approved and certified by the *City of Colusa City Council*.
3. Adoption and Approval. That this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Colusa County is hereby requested to take proceedings for the reorganization of the Subject Property, and for the Amendment to the City of Colusa Sphere of Influence, as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
 4. Authorization to City Manager. That City staff is hereby directed to prepare all such documents as may be required to facilitate the Cheney-Wilson Annexation, and the City Manager is hereby authorized to execute such documents, if required.
 5. Notification. That the names of the officers who are to be furnished with copies of the report by the LAFCo executive application, and to be given mailed notice of the hearing are Jessie Cain, City Manager and Bryan Stice, Community Development Manager.
 6. Effective Date. This Resolution shall be effective immediately.

PASSED AND ADOPTED AT A MEETING OF THE CITY COUNCIL OF THE CITY OF COLUSA ON THE 15th DAY OF DECEMBER 2020, BY THE FOLLOWING VOTE:

AYES: Ponciano, Reische, Conrado, Vaca and Hill.

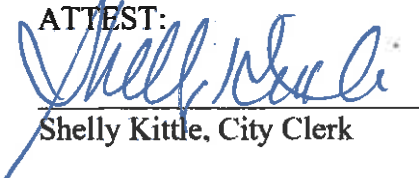
NOES: None.

ABSENT: None.



JOSH HILL, MAYOR

ATTEST:



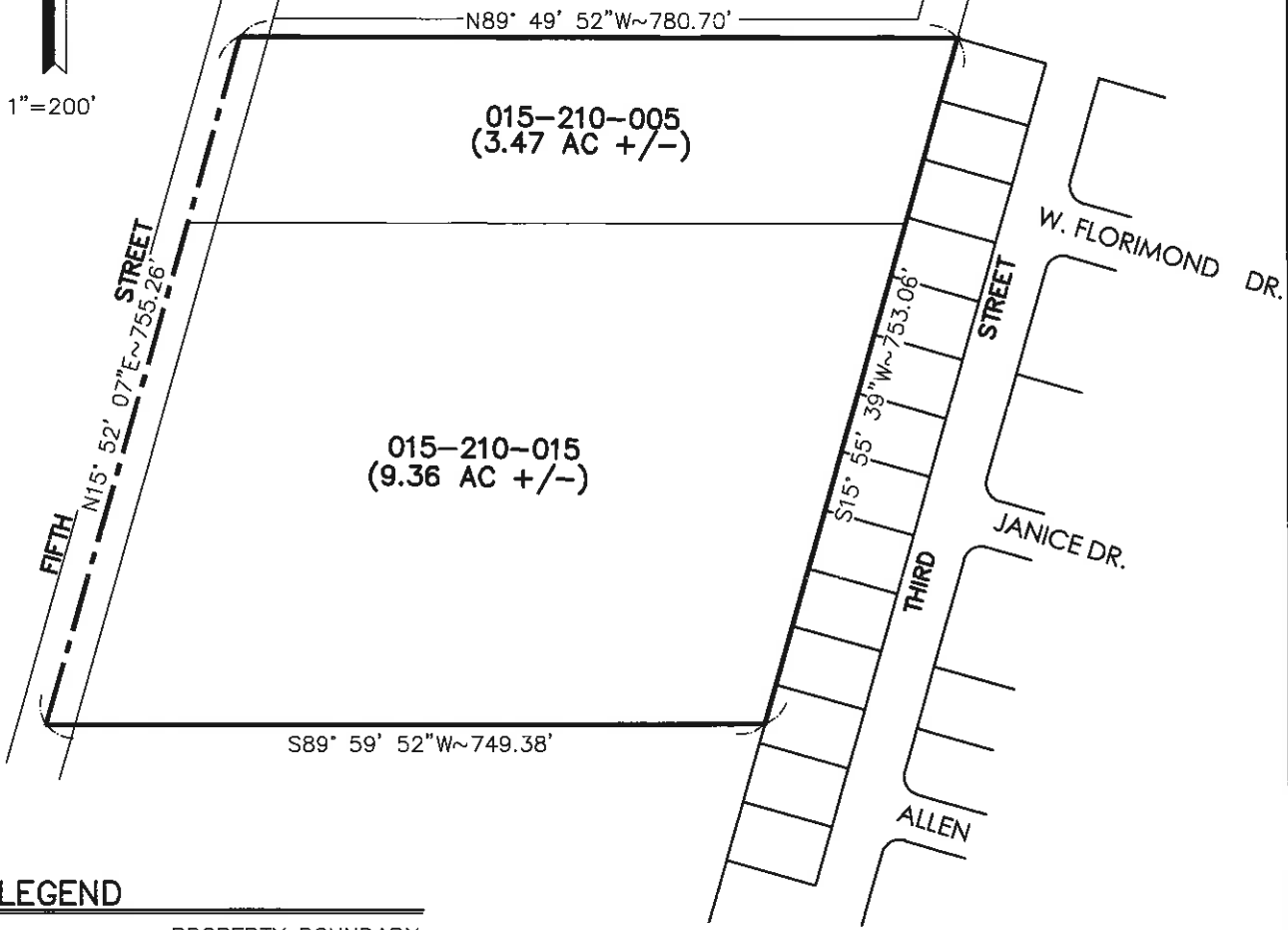
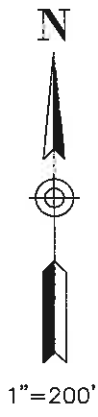
Shelly Kittle, City Clerk

EXHIBITS

A: Annexation Exhibit

B: Cheney-Wilson Subdivision Plan for Services

EXHIBIT A
LEGAL DESCRIPTION
(pending)



LEGEND
 _____ PROPERTY BOUNDARY

EXHIBIT "B"
 ANNEXATION EXHIBIT
CHENEY-WILSON SUBDIVISION

BEING A PORTION OF LOT 14 OF THE JOHN C. MOGK
 SUBDIVISION NO. 4 AS RECORDED IN BOOK 1 OF
 MAPS, PAGE 49 COLUSA COUNTY RECORDS
 CITY OF COLUSA, STATE OF CALIFORNIA.

PREPARED BY:
NVES
 NORTH VALLEY ENGINEERING AND SURVEYING
 1547 STARR DRIVE SUITE "J"
 YUBA CITY, CA 95993
 (530) 713-0417

EXHIBIT C

PLAN FOR SERVICES

Cheney-Wilson Subdivision Plan for Services

I EXISTING FACILITIES

The current property is primarily an open field with a single-family resident. The following is a list of existing City services adjacent to the proposed subdivision.

Water System

A 12" water main is located on the west side of 5th Street within the street right of way. Also, an existing 8" water main is located within the right of way of 3rd street on the easterly side of the property.

Sewer System

A 10" sewer main runs along the easterly side of 5th Street in front of the subdivision. Also, according to the City sewer base maps a 10" sewer line runs diagonally along the southerly portion of the subdivision.

Storm Drainage

A 30" storm drainpipe is located in 3rd Street on the easterly side of this property. No storm drainage pipes are located in 5th street in front of this property.

Streets

The existing 5th Street is approximately 16' total paved width with no curb or gutters or sidewalks.

Parks and Recreation

A small City park is located on 3rd Street at the easterly side of the property.

II PLAN FOR SERVICES

The information presented in this section of the document is intended to address how the City services will be made available for this property and at what costs, if any, will be incurred by the City. Many of the already existing City services such as Police and Fire require little or no infrastructure upgrades, however other City services; sewer, water and storm drain will have to be extended by the developers into the property to serve the new lots in the subdivision.

A. Wastewater Improvements

The existing 12" sewer main along 5th Street will be utilized to serve this subdivision. A sewer collection system will be installed by the developers within the subdivision along with individual sewer services to each new lot. The on-site sewer system will be connected to the existing 12" sewer main. The cost of these improvements will be the responsibility of the developers along with the payment of any City sewer connection fees.

b. Water Improvements

The existing 12" water main in 5th Street will be utilized to serve this subdivision. A water distribution system will be installed by the developers within the subdivision along with water services to each new lot. The developers will also be required to install fire hydrants as required by the City Fire Department. The cost of the improvements will be the responsibility of the developers along with the payment of any City water connection fees.

c. Storm Drainage Improvements

A storm drain collection system will be installed within the subdivision directing all drainage to a detention basin which is proposed to be constructed within the limits of the subdivision. The purpose of the drainage pond is to store the drainage generated by the subdivision and then meter it into the city existing drainage improvements on 3rd Street after the passing of the storm. The construction of the pond will also satisfy the State Water Quality requirements related to storm drainage generated by new development. The cost of these improvements will be the responsibility of the developers. The property owners will be responsible for the maintenance of the pond either by the payment of a fee to the City or by the formation of a home owners association which will be responsible for maintaining the pond.

d. Street Improvements

All on-site streets will be constructed and funded by the developers. The easterly half of 5th Street will be improved and funded by the developers also. The future street section of the easterly half of 5th street will be constructed to the width required by the City.