

**Resolution 2021-0003 of the
Colusa Local Agency Formation Commission
Colusa County, California**

A Resolution Making Determinations on the Sphere of Influence for the City of Colusa

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCo) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it shall, as necessary, review and update each SOI every five years (§56425(g));

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission prepared an MSR and adopted MSR determinations on April 1, 2021; and

WHEREAS, on April 1, 2021, the Commission held a public hearing to receive the SOI update determinations for the City of Colusa; and

WHEREAS, at the public hearing, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the SOI update; and

WHEREAS, the proposed action consists of updating the SOI for the City of Colusa;

NOW, THEREFORE, BE IT RESOLVED that Colusa LAFCo does hereby adopt the following SOI determinations pursuant to §56430 for the City of Colusa and update its SOI to include the existing SOI and the SOI expansion areas, as depicted in Exhibit A (attached):

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- 1) *The present and planned land uses in the area, including agricultural and open-space lands*
 - a) The City of Colusa plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, office, commercial, retail, mixed use, agricultural, and open space.
 - b) Area 1: The southwest SOI expansion area lands were recently purchased by the City of Colusa for disposal of tertiary treated wastewater, and the City plans to continue those uses. The City intends to annex these lands for the property tax exemption on City-owned parcels.
 - c) Area 2: The south central SOI expansion area land is a portion of a parcel that is within the existing SOI, and is presently used for agricultural purposes. Planned use is residential.
 - d) Area 3: The southeast SOI expansion area lands are in the Colusa Industrial Park; present and planned uses include agricultural hothouse and processing operations, power generation, storage, drainage canal, wastewater treatment and wastewater disposal, and a gun range for youth athletes.

- 2) *The present and probable need for public facilities and services in the area*
 - a) There are no anticipated changes in the type of public services and facilities required within the SOI for the City of Colusa. The level of demand for these services and facilities, however, will increase commensurate with anticipated growth.
 - b) Area 1: The City has farmland drainage improvements underway in this area. A high water table during the wet season (October to April) saturates the soils, limiting access and crop yields. To alleviate that, the project invests in subsurface drainage tiles (pipe) around the farmland perimeter to remove excess groundwater and discharge it via an unnamed tributary to Powell Slough.
 - c) Area 2: The area will need connections to city water and wastewater systems, roads and other public facilities and services to serve planned growth.
 - d) Area 3: Colusa Industrial Park plans to locate a future water well in this area to achieve adequate fire flows, and a package wastewater plant is planned for this area to accommodate future growth in the industrial park. Road realignments and drainage improvements are planned for Colusa Industrial Park as well.
- 3) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*
 - a) The present capacity of public facilities in the City of Colusa appears adequate. The City's service levels appear adequate.
- 4) *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency*
 - a) Relevant social and economic communities of interest within the City of Colusa's SOI expansion area include the landowners, businesses and workers that currently occupy the area.
- 5) *The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing SOI*
 - a) The City as a whole is a disadvantaged community. The median income in the City is 32 percent lower than the statewide median, according to American Community Survey 2015-19 data. Incomes are lowest in the central portion of the City, and highest in the southern portion of the City. Median income data are not available for small geographic areas the size of the unincorporated areas scattered around the City limits.
 - b) There may be DUCs in the City's SOI. A DUC is entitled to be included in annexation proposals of contiguous areas, and to be excluded if the area would not benefit from annexation or a majority of voters in the DUC are opposed. A group of 12 or more registered voters in an unincorporated community may request that LAFCo make a DUC determination for their area. LAFCo, the City or the County may identify DUCs. Statements from the affected residents, an income survey and/or analysis of property values would help clarify whether an area meets the criteria.
- 6) *California Environmental Quality Act findings*
 - a) Pursuant to Section 15096 of the State CEQA Guidelines, the Commission has considered the City of Colusa General Plan Master Environmental Impact Report, the Environmental Impact Report prepared for the Colusa County General Plan, and the Environmental Impact Report prepared for the Colusa Industrial properties including the environmental documentation for the Colusa Industrial Park project as a responsible agency under the

California Environmental Quality Act (“CEQA”), exercised its independent judgment and reached its own conclusions in considering the project, and the Commission hereby adopts the following findings regarding the Environmental Impact Reports. As a responsible agency, the Commission considers only the effects of those activities involved in a project over which it has jurisdiction, i.e., those associated with the annexation action of this project. The Commission certifies that its findings are based on an assessment of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Environmental Impact Reports.

- b) On October 30, 2007 the City of Colusa, acting as lead agency under CEQA, certified the Environmental Impact Report (“EIR”) for the city’s general plan including the proposed annexation. The EIR for the CIP and County General Plans were later certified by Colusa County. The EIRs consider and evaluate all the potentially significant environmental effects of the proposed annexation that is the subject of this action (see section 8 of the Executive Officer’s report for the analysis. Environmental review included analysis of impacts related to this annexation to include the affected territory. The EIRs analyzed impacts associated with the physical characteristics of the affected territory (including topography and drainage), short term and long-term growth in the City of Colusa and surrounding unincorporated areas, provision of public services, and impacts on the protection and management of open space and agricultural lands. The City of Colusa adopted mitigation measures to avoid or lessen potential impacts where feasible. The County’s GPEIR is self-mitigating. However, the City of Colusa found that implementation of the General Plan including annexation of the affected territory could result in certain significant and unavoidable project and/or cumulative impacts on the environment, including:
 - i) Inconsistency with the Comprehensive (Airport) Land Use Plan
 - ii) Conversion of prime agricultural land to Urban Uses and loss of agricultural land
 - iii) An increase in population and the number of housing units
 - iv) Transportation, Increased Traffic volumes and circulation
 - v) Noise
 - vi) Air Quality - Increase in operational impacts on air and regional air quality
 - vii) Visual Resources/Light and Glare
 - viii) Greenhouse Gas Emissions
 - ix) Loss of Biological Resources and the effects of Ongoing Urbanization
- c) As described in the EIRs, no mitigation measures exist to reduce these impacts to a less than significant level.
- d) The EIRs set forth numerous mitigation measures to reduce potentially significant impacts and concludes that such impacts can be reduced to a level of insignificance if all mitigation measures proposed in the EIRs are adopted. The City of Colusa adopted all the mitigation measures in the EIRs. In addition, the City of Colusa adopted, pursuant to CEQA Section 21081.6 and CEQA Guidelines Section 15091, the Mitigation Monitoring and Reporting Program to require all reasonably feasible mitigation measures to be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring and Reporting Program. The Commission has reviewed and hereby incorporates by reference the City of Colusa’s Findings (included in the Executive Officer’s Report dated 4.1.21) documenting adoption by the City of Colusa of all mitigation measures proposed to reduce potentially significant impacts. The Commission hereby finds and determines that because the project under review by the Commission includes all feasible mitigation measures, the project does not require imposition of additional mitigation measures by this

Commission. The mitigation measures adopted in the environmental process are the responsibility of the City of Colusa, which will have land use regulatory authority over the site. All mitigation measures can and should be implemented by the City of Colusa when it authorizes development approvals Colusa Industrial Park site. See CEQA Guidelines §15091(a)(2).

- e) Notwithstanding the remaining significant adverse impacts, the Commission, pursuant to Section 15093 of the CEQA Guidelines, determines that the benefits of the project outweigh the adverse environmental impacts and that the project should be approved. The Commission finds that the benefits of ~~*****~~annexation outweigh the significant and unavoidable impacts of the project for each of the reasons identified in the Statement of Overriding Considerations adopted by the City of Colusa on October 30th 2007 as well as the Statement of Overriding Considerations adopted by the County in 2012 (also included in the Executive Officer's Report Dated April 1, 2021)
- f) CEQA Guidelines Section 15162 provides that a subsequent or supplemental environmental impact report (EIR) shall be prepared if certain conditions or circumstances exist. In general, a subsequent or supplemental EIR must be prepared if there are changes in the project, changes in the circumstances, or new information that require substantial changes to the previous environmental document because of new significant or more severe impacts. The Commission has reviewed and considered all of the public comments, testimony and documentation submitted to the Commission in regard to the project, and hereby finds that none of the factors or considerations requiring preparation of a subsequent or supplemental EIR have been identified.
- g) CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information includes: (i) changes to the project; (ii) changes in the environmental documents i.e. "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." Having reviewed the information contained in the EIRs and in the administrative record as well as the requirements under CEQA Guidelines Section 15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, the Commission hereby finds that no new significant information was added to the EIR (or was required to have been added) following public review and thus, recirculation of the EIR is not required by CEQA.
- h) The Commission has reviewed and considered the information contained in the Environmental Impact Reports prepared for the CIP project and the City and County General Plans, and makes a specific determination that the issues and mitigation measures and (or) policies as adopted by the City and County of Colusa adequately address this annexation.
- i) The Commission directs the Executive Officer to file a Notice of Determination as provided under Section 15094 of the California Code of Regulations.

Resolution 2021-0003
City of Colusa Sphere of Influence Update
April 1, 2021

PASSED and ADOPTED by this Local Agency Formation Commission of the County of Colusa,
on the 1st day of April 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Signed and approved by me after its passage this first day of April 2021.

Denise Carter, Vice Chair
Colusa Local Agency Formation Commission

Attest:

John Benoit, Executive Officer
Colusa Local Agency Formation Commission