

Resolution No. L97-02

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF MENDOCINO
MAKING DETERMINATIONS AND CONDITIONALLY APPROVING THE
GUIDIVILLE INDIAN RANCHERIA ANNEXATION TO THE
UKIAH VALLEY SANITATION DISTRICT

WHEREAS, a proposal for the annexation of certain territory to the Ukiah Valley Sanitation District in the County of Mendocino has been filed with the Executive Officer of this Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including her recommendation thereon, the proposal and report having been presented to and considered by this Commission; and

WHEREAS, this property is a 100% land ownership and does not require to be heard under the public hearing process, however the Executive Officer did file a Public Hearing notice to be heard by the Commission on November 4, 1996 at 10:15 a.m., which item was continued for lack of information to act on the proposal, which has now been heard on February 3, 1997 by this Commission; and

WHEREAS, this Commission called for and took public testimony on the proposal, 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 this proposal as well as the report of the Executive Officer; and

NOW, THEREFORE, the Local Agency Formation Commission of the County of Mendocino DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The proposal, being identified in the files of the Mendocino County Local Agency Formation Commission as File No. L96-6 and the same is hereby approved subject to the following conditions and terms:
2. The boundaries, as set forth in the proposal, are hereby to be approved and described as Exhibit A (legal description) and map as Exhibit B, to be attached hereto and by this reference incorporated herein, to the satisfaction of the County Surveyor.
3. The territory includes 42 Acres, and is found to be uninhabited, and is assigned the distinctive short form designation: Guidiville Annexation to the Ukiah Valley Sanitation District.

4. All terms and conditions as approval to this proposal shall be identified as Exhibit C and attached hereto and to become a part herein of this resolution.

5. The Ukiah Valley Sanitation District in the County of Mendocino is designated the Conducting Authority, and the Board of Directors of the Ukiah Valley Sanitation District are hereby authorized to conduct subsequent proceedings in compliance with this resolution and commencing with Government Code Section 57000 by public hearing.

6. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Section 56853 of the Government Code.

ADOPTION of this Resolution was moved by Commissioner Pinches, seconded by Commissioner McMichael, and carried on this 3rd Day of February, 1997 by the following roll call vote:

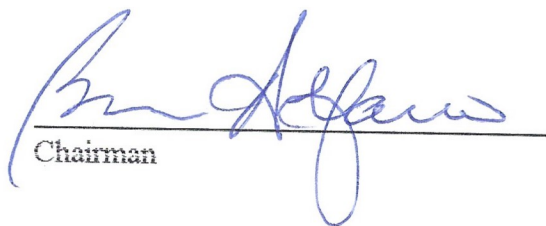
AYES: Pinches, McMichael, Delbar, Melo and Alfano

NOES: none

ABSENT: none

ABSTAIN: none

WHEREUPON, the Chairman declared the Resolution adopted, AND SO ORDERED.


Chairman

ATTEST:

Executive Officer
STATE OF CALIFORNIA, County of Mendocino

By Mary Pratt, Executive Officer, Local Agency Formation Commission in and for the County of Mendocino, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Local Agency Formation Commission as the same appears spread upon their minute book.

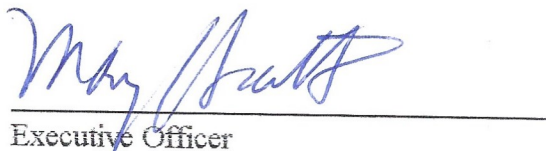

Executive Officer

EXHIBIT C

The Guideville Annexation to the Ukiah Valley Sanitation District (UVSD) is approved as hereby conditioned:

- a. For no more than 28 homes, subject to formal approval by the Ukiah Valley Sanitation District Board if the units planned exceed 20.
- b. A Master Plan (as so referenced in the letter from Visions Enterprises to Darlene Tooley dated November 25, 1996 page 2) be submitted to all affected agencies by the Tribal Council, including but not limited to the Department of Public Works, Department of Planning & Building Services, LAFCO, the UVSD, the Ukiah Valley Fire Protection District and Cal Trans.
- c. The Ukiah Valley Sanitation District is required to submit a complete Master Service Element and Sphere of Influence Plan for LAFCO approval prior to final processing of this annexation.
- d. Additional safe guards are to be installed at the Tribal Council's expense to the City of Ukiah Gun Club property subject to approval by the City.
- e. The map and legal description are to be corrected to the satisfaction of the County Surveyor prior to action by the Conducting Authority (UVSD).
- f. LAFCO accepts the NEPA findings as prepared by Vision Enterprises dated June 16, 1994. A Notice of Determination is to be filed and recorded by the applicant and/or the UVSD with a copy submitted to LAFCO for their files.
- g. All fees due and payable to the UVSD and the Ukiah Valley Fire Protection District shall be paid by the Guideville Rancheria (Tribal Council) including benefit of assessment/special taxes equitable to those paid by other property owners located within these districts and shall be documented by separate contracts and submitted to LAFCO for their files.
- h. Final approval will be withheld until all the above conditions have been met. Further, final processing will not occur unless certification of "tribal land trust" status has been provided to LAFCO.

EXHIBIT C

AS AMENDED ON SEPTEMBER 8, 1997

The Guidiville Annexation to the Ukiah Valley Sanitation District (UVSD) is approved as hereby conditioned:

- a. For no more than 28 homes, subject to formal approval by the Ukiah Valley Sanitation District Board if the units planned exceed 20.
- b. A Master Plan (as so referenced in the letter from Visions Enterprises to Darlene Tooley dated November 25, 1996 page 2) be submitted to all affected agencies by the Tribal Council, including but not limited to the Department of Public Works, Department of Planning & Building Services, LAFCO, the UVSD, the Ukiah Valley Fire Protection District and Cal Trans.
- c. The Ukiah Valley Sanitation District is hereby ordered to prepare their Master Service Element and Sphere of Influence Plan and provide the Commission with a draft within 6 months of the date of this amendment, with the final document to be approved no later than September 8, 1998; and that no further annexation or re-organization applications will be accepted by the Commission until the Master Service Element and Sphere of Influence Plan has been approved; and further if the Ukiah Valley Sanitation District fails to comply with the Master Service Element and Sphere of Influence Plan requirement and time frame, the \$3000 fee waiver of the Commission will be revoked.
- d. The Tribal Council is to acknowledge in writing, such as a Notice of Circumstance, to the Commission and affected parties, that it is the responsibility of the Tribal Council to meet any safety conditions that may result from the proximity of their development to the Ukiah Gun Club and further be responsible for any noise safeguards that may be required.
- e. The map and legal description are to be corrected to the satisfaction of the County Surveyor prior to action by the Conducting Authority (UVSD).
- f. LAFCO accepts the NEPA findings as prepared by Vision Enterprises dated June 16, 1994. A Notice of Determination is to be filed and recorded by the applicant and/or the UVSD with a copy submitted to LAFCO for their files.
- g. All fees due and payable to the UVSD shall be paid by the Guidiville Rancheria (Tribal Council) including benefit of assessment/special taxes equitable to those paid by other property owners located within the district and shall be documented by a separate contract and submitted to LAFCO for their files.
- h. Final approval will be withheld until all the above conditions have been met. Further, final processing will not occur unless certification of "tribal land trust" status has been provided to LAFCO.