

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
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MEMORANDUM

DATE: September 7, 2023
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: September 11, 2023 Agenda Item 7a Correction

BACKGROUND

The following correction is proposed for Agenda Item 7a for City of Ukiah Annexation of City-owned Properties A (File No. A-2021-01a) for the September 11, 2023 Commission meeting.

Proposed Correction

On page 86 of 176 of the packet, change the resolution condition of approval under item 2b to the eighth whereas statement as follows:

WHEREAS, the City will proceed with filing an application with LAFCo for annexation of the Norgard/Airport South DUC within one-year of adoption of the master tax share agreement with Mendocino County, or in the absence of a master tax share agreement, within one-year of the adoption of this resolution submit an application to annex the Norgard/Airport South DUC with a project-specific tax share agreement with Mendocino County, to allow time for robust outreach to the community and improve the likelihood of successful completion of the annexation process upon filing; and

Justification

Since Commission approval of any Disadvantaged Unincorporated Community (DUC) annexation can be overturned by a majority protest of registered voters and/or landowners, it is critical to the successful completion of the annexation process for the City to have sufficient time for robust community outreach in preparing for application submittal.

Attachment: Revised Resolution No. 2023-24-01

Resolution No. 2023-24-01
of the Mendocino Local Agency Formation Commission

Conditionally Approving the City of Ukiah Annexation of City-owned Properties A (File No. A-2021-01a) and Finding of Exemption Pursuant to the California Environmental Quality Act

WHEREAS, the Local Agency Formation Commission of Mendocino County, hereinafter referred to as the “Commission”, administers California Government Code Section 56000 et. seq., known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, on February 22, 2021, the City of Ukiah (Ukiah or City) City Council adopted Resolution No. 2020-61 to initiate a proposed annexation of City-owned properties, and on February 25, 2022, the Ukiah City Council adopted Resolution No. 2022-04 to revise the application and remove parcels 180-120-15 & 16, which were already located within the City limits (File No. A-2021-01); and

WHEREAS, the proposed change of organization includes annexation of 15 City-owned properties of 150-acres, involves two contiguous areas and two non-contiguous areas under GOV § 56742, and contains parcels 156-240-02, 156-240-13, 003-330-68, 003-330-69, 003-330-70, 184-080-36, 184-080-37, 184-090-01, 184-090-07, 184-100-04, 184-080-40, 184-100-05, 184-090-06, 184-150-01, 184-140-13; and

WHEREAS, the proposed annexation area is located within the City’s SOI boundary adopted by the Commission on December 19, 2022; and

WHEREAS, the proposed annexation is currently used for municipal purposes, including natural resource conservation, airports and aviation-related functions and uses, wastewater public utility facilities and uses, recycled water distribution, ongoing lease for agricultural purposes (Government Code Section 37382), and solid waste disposal pursuant to Government Code Section 56742; and

WHEREAS, the purpose of the proposal is to align City land ownership with City governmental controls and reduce the City’s tax burden; and

WHEREAS, the City applied a Public General Plan land use designation and Public Facilities and Agricultural Combining District overlay Rezoning to the proposed annexation area; and

WHEREAS, the City will proceed with filing an application with LAFCo for annexation of the Norgard/Airport South DUC within one-year of adoption of the master tax share agreement with Mendocino County, or in the absence of a master tax share agreement, within one-year of the adoption of this resolution submit an application to annex the Norgard/Airport South DUC with a project-specific tax share agreement with Mendocino County, to allow time for robust outreach to the community and improve the likelihood of successful completion of the annexation process upon filing; and

WHEREAS, the proposal meets the specified criteria to allow the Commission to make determinations on the proposal without notice, hearing, and protest proceedings pursuant to GOV § 56662(a), and therefore the Executive Officer was not required to give notice of a public hearing for Commission consideration of the proposed annexation; and

WHEREAS, a Certificate of Filing was issued on July 18, 2023 indicating receipt of a complete application pursuant to California Government Code Section 56658; and

WHEREAS, the proposal meets the statutory criteria outlined in LAFCo law and adopted local policy requirements; and

WHEREAS, the Executive Officer's report, which included factors for consideration required under California Government Code Section 56668 and recommendations on the proposal, was presented to the Commission in the manner provided by law and adopted local policy; and

WHEREAS, the Commission heard and fully considered all the testimony and evidence presented at a public meeting on the proposal on September 11, 2023; and

WHEREAS, the Commission has reviewed and considered this resolution and hereby finds that it accurately sets forth the intentions of the Commission with respect to the proposal.

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

1. The Commission finds the application is exempt from further review under the California Environmental Quality Act under the Class 20 Exemption pursuant to Title 14 of the California Code of Regulations (14 CCR) § 15320, and approves the Notice of Exemption for filing. Class 20 provides a categorical exemption for changes in organization of local agencies that do not change the geographical area in which previously existing powers are exercised. The proposed annexation is a change of organization identified in GOV § 56021. The purpose of the jurisdictional boundary change is to align City land ownership with City governmental controls and reduce the City's tax burden. The Class 20 exemption is applicable when there is no change in the existing provision of services. No new development, changes in use, expansion of existing uses, or new or enhanced provision of public services are proposed or anticipated post-annexation because the City-owned properties are already developed, improved with public utilities, or proposed for continued open space use. The proposed annexation is not anticipated to result in construction or other physical alteration of the environment because the existing land uses and public services are proposed to remain the same. There is no evidence presented of unusual circumstances that might cause a significant effect on the environment (Title 14 CCR § 15300.2(c)).
2. The City of Ukiah Annexation of City-owned Properties A, including annexation areas 2, 3, 4, and 5, is conditionally approved, subject to the following terms and conditions.
 - a) The boundaries of annexation areas 2, 3, 4, and 5 shall be defined by the map depicted in Exhibit "A" and written geographic description depicted in Exhibit "B", attached hereto and incorporated herein by reference.
3. The application is assigned the following distinctive short-term designation: "City of Ukiah Annexation of City-owned Properties A (File No. A-2021-01a)".
4. The annexation area is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.
5. The effective date of the annexation shall be the date of the filing of the Certificate of Completion for the proposal. The Certificate of Completion shall not be filed until all charges

assessed and fees due to the Commission have been paid by the applicant and all materials required for final processing of the proposal have been sufficiently prepared and submitted.

6. Any work commenced or costs incurred by the City prior to satisfying all conditions of this approval, and within the 30-day Reconsideration Period and CEQA statute of limitations timeframe, are completed at the agency's own risk.
7. The Clerk of the Commission is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Clerk of the Commission, 200 South School Street, Ukiah, CA 95482.

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 11th day of September 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MAUREEN MULHEREN, Commission Chair

ATTEST:

UMA HINMAN, Executive Officer