

RESOLUTION NO. L98-01

RESOLUTION OF THE MENDOCINO COUNTY LOCAL AGENCY FORMATION COMMISSION APPROVING (1) THE MASTER SERVICE ELEMENT PLANS AND SPHERE OF INFLUENCE ASSIGNMENTS FOR THE MILLVIEW COUNTY WATER DISTRICT AND THE UKIAH VALLEY SANITATION DISTRICT AND ADOPTION OF A NEGATIVE DECLARATION FOR BOTH PROPOSALS AND (2) APPROVAL OF THE WESTFORK ANNEXATION INTO THE MILLVIEW COUNTY WATER DISTRICT AND THE UKIAH VALLEY SANITATION DISTRICT - FILE #L95-2

WHEREAS, application (s) for assignment of a sphere of influence and approval of a master service element plan were submitted by both the Millview County Water District (MCWD) and the Ukiah Valley Sanitation District (UVSD) in conjunction with an application for annexation of the Westfork Subdivision - File #L95-2 into both districts for sewer services from the UVSD and water services from MCWD; and

WHEREAS, the application (s) were filed by each of the above named districts by separate resolutions, each as lead agencies, with their pre-notice requirements being met, including the approvals of negative declarations by each district for the annexation application (s), which were received by the Mendocino County Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code, which will result in two separate conducting authority actions; and

WHEREAS, LAFCO was determined to be the lead agency for the sphere of influence and master service element plan adoptions for both districts and CEQA finding; and

WHEREAS, this application includes a "project" and LAFCO requires all discretionary approvals be obtained prior to action by the Commission; and

WHEREAS, the project is located 1/2 mile east of the intersection of North State Street and Lake Mendocino Drive and commonly known as "The Forks" and includes a subdivision on AP(s) #169-130-16 & 17 on 32.73 acres, for a 125 unit residential subdivision, which required a general plan amendment and rezoning, creation of a tentative map, and various environmental documents which were approved by the Mendocino County Board of Supervisors in September 1997; and

WHEREAS, this territory is a 100% landowner consent and has been certified by both districts and is considered uninhabited and a Zero Tax Exchange Agreement is on file for both districts; and

WHEREAS, the Executive Officer has received the proposal (s) and prepared a report, including her recommendation thereon, and the proposal and report having been presented to and considered by this Commission in the form and manner provided by law with notice given of the public hearing.

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WHEREAS, the public hearing was held by this Commission on March 2, 1998 as specified in said Notice of Public Hearing; and,

WHEREAS, at such hearing this Commission heard and received all oral and written protest, objections and evidence which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said application and report.

NOW THEREFORE, BE IT RESOLVED, that the Local Agency Formation Commission of the County of Mendocino DOES HEREBY RESOLVE, DETERMINE AND ORDER AND CONDITIONALLY APPROVE as follows:

1. The proposal, identified in the files of the County of Mendocino Local Agency Formation Commission as File No. L95-2 is hereby approved once all conditions have been met as noted in Exhibit C attached hereto as part of this resolution.
2. The Commission hereby adopts a negative declaration for the sphere of influence for the Millview County Water District and so assigns the sphere territory by map and are as described as Exhibit A.1 and by this reference incorporated herein.
3. The Commission hereby adopts a negative declaration for the sphere of influence for the Ukiah Valley Sanitation District and so assigns the sphere territory by map and are as described as Exhibit A.2 and by this reference incorporated herein.
4. The Commission hereby approves the master service element plans for both the Millview County Water District and the Ukiah Valley Sanitation District subject to the conditions being met as noted in Exhibit C attached hereto as a part of this resolution.
5. The Commission hereby accepts the negative declaration findings of the Millview County Water District and the Ukiah Valley Sanitation District for the Westfork Annexation.
6. The Commission hereby approves the annexation of the Westfork Annexation into the Millview County Water District for water services and the Ukiah Valley Sanitation District for sewer services subject to the conditions being met as noted in Exhibit C attached hereto as a part of this resolution.

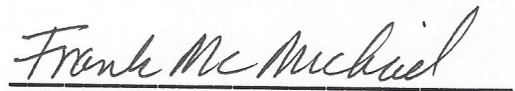
7. The boundaries, as set forth in the proposal for the annexation are hereby approved and are described in Exhibit A attached hereto and by this reference incorporated herein. The map of these boundaries shall be hereby approved and are described in Exhibit B and by this reference incorporated herein.
8. The Commission hereby designates the Millview County Water District as the conducting authority for further proceedings pursuant to Local Government Code Section 56837 without a public hearing.
9. The Commission further hereby designates the Ukiah Valley Sanitation District as the conducting authority for further proceedings pursuant to Local Government Code Section 56837 without a public hearing.

BE IT FURTHER RESOLVED AND ORDERED that the Executive Officer of said Commission is hereby authorized and directed to mail copies of this Resolution in the manner as provided by law.

ADOPTION of this Resolution was moved by Commissioner Delbar, seconded by Commissioner Melo and carried on this 2nd day of March, 1998 by the following roll call vote:

AYES: Delbar, Melo, Ranker, Kummert, Shoemaker, and McMichael
NOES: None
ABSTAIN: None
ABSENT: Alfano

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


Chairman

ATTEST:
Executive Officer
STATE OF CALIFORNIA, County of Mendocino

By Mary Hatt 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.

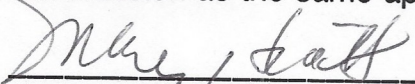

Executive Officer

EXHIBIT A

Boundary Description for the
West Fork Annexation to the
Millview County Water District

All that certain real property situated in the County of Mendocino, State of California more particularly described as follows:

Commencing at point "Y-3" being the Southwest corner of Lot 103 of Yokayo Rancho as shown on a Record of Survey filed June 29, 1984 in Map Case 2, Drawer 41, Page 92, Mendocino County Records; thence along the South line of said Lot 103 South 89°21'07" East, 2688.11 feet to a point marked "B-8" as shown on said map and the POINT OF BEGINNING of this description; thence along the existing boundary of the Millview County Water District and said South line North 89°21'07" West, 1022.97 feet; thence leaving said District boundary North 89°21'07" West, 210 feet; thence leaving said South line and along said District boundary North 1°14'16" East, 666.41 feet to the Southerly right-of-way of Lake Mendocino Drive; thence along said Southerly right-of-way North 70°22'51" East, 915.83 feet; thence North 70°24'33" East, 107.05 feet; thence South 89°18'47" East, 192.84 feet; thence South 85°16'55" East, 513.42 feet; thence North 85°32'37" East, 139.24 feet; thence leaving said Southerly right-of-way and along the centerline of the channel of the West Fork of the Russian River South 15°34'57" West, 222.17 feet; thence South 27°41'38" West, 480.03 feet; thence South 44°42'14" West, 187.44 feet; thence leaving said District boundary South 44°42'14" West, 171.86 feet; thence South 28°57'33" West, 109.11 feet to the point of beginning and containing 32.73 acres more or less.

The LAFCO file number for this description of the West Fork Annexation to the Millview County Water District is file 95-2.

Thomas M. Herman

Thomas M. Herman, P.L.S. 4805
License Expires 9-30-00



EXHIBIT A

Boundary Description for the
West Fork Annexation to the
Ukiah Valley Sanitation District

All that certain real property situated in the County of Mendocino, State of California more particularly described as follows:

Commencing at point "Y-3" being the Southwest corner of Lot 103 of Yokayo Rancho as shown on a Record of Survey filed June 29, 1984 in Map Case 2, Drawer 41, Page 92, Mendocino County Records; thence along the South line of said Lot 103 South 89°21'07" East, 2688.11 feet to a point marked "B-8" as shown on said map and the POINT OF BEGINNING of this description; thence along said South line North 89°21'07" West, 1232.97 feet; thence leaving said South line along the existing boundary of the Ukiah Valley Sanitation District North 1°14'16" East, 666.41 feet; thence along the Southerly right-of-way of Lake Mendocino Drive North 70°22'51" East, 915.83 feet; thence North 70°24'33" East, 107.05 feet; thence South 89°18'47" East, 192.84 feet; thence South 85°16'55" East, 513.42 feet; thence North 85°32'37" East, 139.24 feet; thence leaving said District boundary and Southerly right-of-way line and along the centerline of the channel of the West Fork of the Russian River South 15°34'57" West, 222.17 feet; thence South 27°41'38" West, 480.03 feet; thence South 44°42'14" West, 359.30 feet; thence South 28°57'33" West, 109.11 feet to the point of beginning and containing 32.73 acres more or less.

The LAFCO file number for this description of the West Fork Annexation to the Ukiah Valley Sanitation District is file 95-2.

Thomas M. Herman

Thomas M. Herman, P.L.S. 4805
License Expires 9-30-00



**EXHIBIT "C"
CONDITIONS**

1. All conditions noted in Resolution #L98-01 and incorporated hereto shall be deemed as part of these remaining conditions.
2. The staff report intitled Westfork File L95-2, dated February 20 - 24, 1998 shall be referenced for condition compliance by all parties.
3. The assessor parcel numbers for the annexation are to be confirmed by the applicant and all documents are to reflect the "correct" numbers.
4. The Millview County Water District (MCWD) master service element and sphere of influence plan is to be reworked to include the total buildout of the Westfork annexation, the 1/2 acre upcoming annexation, (both to be noted as Phase I), and delete those developments/projects that are currently in the plan that no longer apply, with the plan to be structured in phases of annexation that reflect 5 - 10 - 15 and 20 year incraments of growth. Phase I shall include those areas the district anticipates serving in the next 5 years. The plan is to clearly define system capacity, current use and balance of available capacity, taking into consideration the Westfork Annexation. The sphere boundary is to not overlay with Calpella County Water District. The plan's narrative and the map shall be denoted by phases and the map shall become Exhibit A to their plan as referenced as Exhibit A.1 in this resolution.
5. The MCWD shall not act on conducting authority requirements until the plans noted in 4 above have been submitted to the LAFCO office and deemed satisfactory by the Executive Officer.
6. The Ukiah Valley Sanitation District (UVSD) shall final their master service and sphere plan by the narrative being consistent with the phased sphere planning map denoting the areas by name/territories or by phases of planned annexation in 5 - 10 -15 and 20 year incraments of growth. It is suggested that the plan cover the mileage area of the district current boundary - sphere service area (extended area) for continuity. The map shall become Exhibit A to their plan as referenced as Exhibit A.2 in this resolution.
7. The UVSD shall not act on conducting authority requirements until the plans noted in 6 above have been submitted to the LAFCO office deemed satisfactory by the Executive Officer.
8. State Board of Equalization filing fees shall be required for both district conducting authorities.
9. Sheriff Department conditions shall apply to this approval.
10. Certificate of Completion shall not be executed until all conditions have been met.