



AGENDA ITEM 5A

MEETING: October 14, 2015

TO: Humboldt LAFCo Commissioners

FROM: George Williamson, Executive Officer

SUBJECT: **Annexation of 2212 Jacoby Creek Road to the City of Arcata**

On September 16, 2015, the Commission disapproved the proposed annexation of 2212 Jacoby Creek Road to the City of Arcata at a noticed public hearing. California Government Code Section 56880 requires the Commission to, not later than 35 days after the conclusion of the hearing, adopt a resolution making determinations approving or disapproving the proposal.

On September 16, 2015, the Commission considered the proposed annexation of 2212 Jacoby Creek Road to the City of Arcata. The Commission disapproved the proposal based on the following administrative record:

- All studies, reports, and environmental documentation prepared to date and made available to Commissioners;
- Staff Report and Attachments for the September 16, 2015 LAFCo Public Hearing;
- LAFCo Commissioner's comments and statements made on September 16, 2015;
- Any other letters and documentation submitted to the Commission for consideration prior to or at the September 16, 2015 LAFCo Public Hearing;
- Application submitted to LAFCo including the various studies and information provided with the application;
- All testimony presented at the September 16, 2015 LAFCo Public Hearing; and
- Any other letters and documentation submitted to the Commission for consideration.

The administrative record for the proposal includes a number of studies, reports, plans, letters and environmental documentation prepared to date. This information has been made available in various forms in hard copy, online at www.humboldtlaftco.org, and at the LAFCo offices to the Commissioners and public.

In accordance with Government Code Section 56880, a resolution making determinations disapproving the proposal is attached. It is recommended that the Commission adopt Resolution No. 15-14, based on the findings in Attachment A.



RESOLUTION NO. 15-14

**DISAPPROVING THE ANNEXATION OF
2212 JACOBY CREEK ROAD TO THE CITY OF ARCATA**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," is responsible for regulating boundary changes affecting cities and special districts pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the City of Arcata filed a proposal with the Commission by resolution of application for annexation of approximately 1.04 acres of land at 2212 Jacoby Creek Road (APN 511-011-006), generally located northeast of the intersection of Old Arcata Road and Jacoby Creek Road adjacent to the existing City boundary; and

WHEREAS, the Commission previously authorized an emergency sewer service connection to the subject property on March 5, 2013; and

WHEREAS, the annexation request was a result of the extension of sewer services outside the City boundary based on public and environmental health and safety concerns from a documented failure of the on-site wastewater system; and

WHEREAS, the Executive Officer's report and recommendations on the proposal were presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing on September 16, 2015; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures; and

WHEREAS, at that meeting, the Commission voted to disapprove the proposal based largely on property owner opposition of the annexation; and

WHEREAS, Government Code Section 56880 requires a resolution to be adopted within 35 days of disapproval.

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission's determinations on the proposal are set forth in Exhibit A.
2. The Commission hereby disapproves the annexation of 2212 Jacoby Creek Road to the City of Arcata.

PASSED AND ADOPTED at a special meeting of the Humboldt Local Agency Formation Commission on the 14th day of October, 2015, by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

Virginia Bass, Chair
Humboldt LAFCo

Attest:

George Williamson, Executive Officer
Humboldt LAFCo



EXHIBIT A

2212 JACOBY CREEK ROAD ANNEXATION TO THE CITY OF ARCATA FINDINGS AND DETERMINATIONS FOR DENIAL

On September 16, 2015, the Humboldt Local Agency Formation Commission considered all written comments, verbal testimony, CEQA documentation, reviews and studies, and other evidence received, and hereby makes the following findings for disapproval regarding the 2212 Jacoby Creek Road Annexation to the City of Arcata:

Finding #1. On September 16, 2015, the Humboldt Local Agency Formation Commission conducted a public hearing to consider the proposed annexation of 2212 Jacoby Creek Road to the City of Arcata. The subject parcel, APN 511-011-006, is generally located northeast of the intersection of Old Arcata Road and Jacoby Creek Road adjacent to the existing City boundary. The site is uninhabited (less than 12 registered voters), is within both the City's Sphere of Influence (SOI) and its Urban Services Boundary (USB), and is located outside of the coastal zone. The property is developed with the historic Jacoby Creek School building, now used for commercial and residential purposes.

Finding #2. Proceedings for this proposal were initiated by the City of Arcata in response to a previous emergency sewer connection that was extended to the subject property. In 2013, the City of Arcata applied to LAFCo for authorization to extend sewer services to the subject property due to health and safety concerns from a documented failure of an onsite wastewater system (City Resolution No. 123-20). The emergency sewer connection was approved by LAFCo on March 19, 2013, and subsequently connected on October 25, 2013. In accordance with Arcata Land Use Code Section 9.94.100, the City requires annexation within 18 months from the date sewer services is provided. As such, the City circulated a Notice of Intent to Adopt a Resolution of Application for annexation on December 19, 2014, and approved the Resolution of Application on January 21, 2015 (Arcata Resolution No. 145-13). In addition, the City approved a General Plan Amendment to change the rezoning designation from Residential Very Low Density to Commercial Mixed on May 5, 2015 (Arcata Resolution No. 145-14). The rezoning was approved by ordinance on May 20, 2015 (Arcata Ordinance No. 1458).

Finding #3. In making the decision to disapprove the annexation, the Humboldt Local Agency Formation Commission considered all evidence, testimony, and documentation submitted to the Commission from all agencies, jurisdictions, members of the public, proponents, and land owners. This evidence and documentation was submitted to the Commission prior to and at the September 16, 2015 public hearing.

Finding #4. The Commissioners exercised independent judgment and discretion in making a reasonable and well-informed decision based on the information provided

and, on that basis, determined to disapprove the annexation. This is consistent with Humboldt LAFCo's adopted policy #2.3:

While serving on the Commission, all members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole. (CKH Act 56325.1).

Finding #5. The City provided written consent from the affected landowner within the proposed annexation area. However, the property owner informed LAFCo that consent was provided solely based on the need to make the emergency sewer connection and that the property owner opposes annexation. In accordance with Government Code Section 56662, the Commission may waive protest proceedings entirely if... "the proposal is accompanied by proof, satisfactory to the Commission, that all the owners of land within the affected territory have given their written consent to the proposal.

Evidence and Documentation

The following evidence is found in the administrative record to support the above determinations and findings:

- All studies, reports, and environmental documentation prepared to date and made available to Commissioners;
- Staff Report and Attachments for the September 16, 2015 LAFCo Public Hearing;
- LAFCo Commissioner's comments and statements made on September 16, 2015;
- Any other letters and documentation submitted to the Commission for consideration prior to or at the September 16, 2015 LAFCo Public Hearing;
- Application submitted to LAFCo including the various studies and information provided with the application;
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