



AGENDA ITEM 6D

MEETING: March 21, 2018
TO: Humboldt LAFCo Commissioners
FROM: George Williamson, Executive Officer
SUBJECT: **Approval of Conducting Authority Proceedings for the Brainard Site Annexation to the City of Eureka**
The Commission will receive a report summarizing the protest hearing conducted for the Brainard Site Annexation to the City of Eureka by the Executive Officer, and will consider adopting a resolution finding insufficient protest and confirming and ordering the annexation in accordance with Government Code Section 57075(b)(2).

BACKGROUND

At the January 17, 2018 LAFCo meeting, the Commission approved the Brainard Site Annexation to the City of Eureka, subject to terms and conditions (Resolution No. 18-02). Approval triggered a 30-day reconsideration period followed by a protest hearing that was conducted by the LAFCo Executive Officer on March 7, 2018.

LAFCo serves as the conducting authority to determine whether changes of organization or reorganization are to be confirmed, terminated, or subject to an election based on the number of valid written protests received. Since there are no registered voters within the subject territory, the Brainard Annexation is considered "uninhabited". As such, the following protest thresholds are applicable:

1. Terminate the annexation proceedings if written protests are received from landowners owning 50% or more of the total assessed value of land within the affected territory; or
2. Order the annexation if written protests are received from landowners owning less than 50% of the total assessed value of land within the affected territory.

DISCUSSION

The LAFCo Executive Officer was delegated authority by the Commission to conduct the protest hearing, which was held on March 7, 2018 at 3:00 p.m. at Eureka City Hall. Notices for the protest hearing were mailed 21-days in advance to property owners within the affected territory, published in the Times Standard, and posted on the LAFCo website.

At the hearing, the Executive Officer summarized the proposal and opened the public hearing. No public comments were received and no protests were filed at the closing of the hearing. Based on the determination that insufficient written protests were submitted by landowners, it is recommended that the Commission confirm and

order the annexation in accordance with Government Code Section 57075(b)(2). The annexation will not become effective until conditions are fulfilled to the satisfaction of the LAFCo Executive Officer, which must occur prior to the recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year from the date of approval unless a time extension is approved by the Commission. Staff will keep the Commission apprised of the City's progress with fulfilling the conditions.

RECOMMENDATION

Staff recommends the Commission adopt Resolution No. 18-06, confirming and ordering the Brainard Site Annexation to the City of Eureka, subject to the satisfaction of the terms and conditions in Resolution No. 18-02, as adopted by the Commission on January 17, 2018.

Attachments:

Attachment A: Resolution No. 18-06

Attachment B: Protest Hearing Summary

Cc: Kristen Goetz, City of Eureka Development Services Department

RESOLUTION NO. 18-06

**ACTING AS THE CONDUCTING AUTHORITY,
FINDING INSUFFICIENT PROTEST, AND CONFIRMING AND ORDERING
THE BRAINARD ANNEXATION TO THE CITY OF EUREKA**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," adopted Resolution No. 18-02, subject to terms and conditions, on January 17, 2018, after holding a public hearing, making determinations, and approving the Brainard Site Annexation to the City of Eureka in accordance with proceedings taken pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56650, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000); and

WHEREAS, the Commission serves as the conducting authority for proceedings taken pursuant to Part 4, Division 3, Title 5 of the California Government Code (commencing with Section 57000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) to determine whether the proposal outcome, in the case of uninhabited territory, is to be confirmed or terminated based on written protests received from landowners within the affected territory in accordance with California Government Code Section 57075(b)(2); and

WHEREAS, the Commission delegated authority to the LAFCo Executive Officer to order, hold, and report on conducting authority proceedings pursuant to California Government Code Section 57000(c); and

WHEREAS, the Executive Officer held a public hearing at Eureka City Hall on March 7, 2018, after providing sufficient notice of the hearing in the form and manner prescribed by law; and

WHEREAS, at said hearing, the Executive Officer summarized the Commission's determinations and conditions included in Resolution No. 18-02, and heard and received all oral and written protests, objections, and evidence presented; and

WHEREAS, upon conclusion of the protest hearing, the Executive Officer determined the value of written protests filed and not withdrawn by owners of land is less than 50% of the total assessed value of land within the affected territory. In such cases, pursuant to California Government Code Section 57075(b)(2), the Commission is directed to confirm and order the annexation

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

1. The Commission, acting as the conducting authority, hereby confirms and orders the Brainard Annexation to the City of Eureka.

2. The Commission hereby authorizes and directs the Executive Officer to file a Certificate of Completion upon the satisfaction of the terms and conditions in LAFCo Resolution No. 18-02.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 21st day of March, 2018, by the following roll call vote:

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

Estelle Fennell, Chair
Humboldt LAFCo

Attest:

George Williamson, Executive Officer
Humboldt LAFCo

**PROTEST HEARING SUMMARY – MARCH 7, 2018
BRAINARD SITE ANNEXATION TO THE CITY OF EUREKA**

1. CALL TO ORDER

The meeting was called to order at 3:00 p.m. in Room 207 of Eureka City Hall, 351 K Street, Eureka, with Executive Officer Williamson presiding.

LAFCo Staff Present:

George Williamson, Executive Officer
Colette Metz, Administrator

City Staff Present:

Kristen Goetz, City of Eureka Development Services Department

Applicant and Agency Representatives Present:

Craig Compton, Green Diamond Resources Company
Deidre Clem, LACO Associates
Jesse Robertson, Caltrans District 1

PUBLIC APPEARANCES

No members of the public requested to speak on items that were not on the agenda.

2. PROTEST HEARING – STRONGS CREEK VALLEY ANNEXATION

The protest hearing was conducted as follows:

A) Describe the proposal and purpose of the hearing

Executive Officer Williamson described the purpose of the meeting and how the Commission delegated authority for the protest hearing to be conducted by the Executive Officer. Mr. Williamson noted that the LAFCo Commission approved the Brainard Site Annexation to the City of Eureka, subject to conditions, on January 17, 2018 (LAFCo Resolution No. 18-02). Approval triggered a 30-day reconsideration period followed by a protest hearing. The protest hearing is conducted to allow landowners within the affected territory to file a written protest against the proposed action with the Executive Officer. Pursuant to State law, the annexation would be terminated if written protests are received from landowners owning 50 percent or more of the total assessed value of land within the affected territory (based on “uninhabited” protest thresholds).

B) Summarize LAFCO Resolution No. 18-02, subject to modifications, terms and conditions

Executive Officer Williamson summarized the terms and conditions that were included in the Commission’s resolution of approval. He noted that the approval triggered a 30-day reconsideration period in which no requests were received.

C) Open the hearing

Executive Officer Williamson opened the public hearing at 3:05 p.m.

D) Receive any oral or written protests, objections or evidence

Executive Officer Williamson noted receipt of a letter from Caltrans District 1 staff on March 6, 2018 (see Exhibit A). Mr. Williamson reviewed the letter and noted it would be included as part of the record.

E) Note all written protests received prior to the hearing

Executive Officer Williamson noted that no written protests had been received prior to holding the protest hearing.

F) Close the hearing

Executive Officer Williamson asked for final submittal of written protests and closed the public hearing at 3:07 p.m.

G) Determine the value of written protests filed and not withdrawn

The Executive Officer noted that no written protests had been received. Mr. Williamson briefly discussed next steps, including approval of conducting authority proceedings at the next Commission meeting on March 21, 2018, conditions compliance, certificate of completion recordation with the County Recorder's Office, and statement of boundary change filing with the State Board of Equalization.

3. ADJOURNMENT

The meeting was adjourned at 3:10 p.m. Next regular LAFCo meeting: March 21, 2018 at 9:00 a.m. in the Board of Supervisors Chamber, Humboldt County Courthouse, Eureka.

Exhibit A: Caltrans District 1 letter, dated March 6, 2018

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4693
FAX (707) 445-6314
TTY 711



*Making Conservation
a California Way of Life.*

March 6, 2018

1-HUM-101-89.29
Brainard Site Annexation
Resolution# 18-02

George Williamson, Executive Officer
Humboldt Local Agency Formation Commission
1125 16th Street, Suite 202
Arcata, CA 95521

Dear Mr. Williamson:

The California Department of Transportation (Caltrans) would like to thank the Humboldt Local Agency Formation Commission (Humboldt LAFCo) for adopting resolution 18-02, which approves the proposed annexation of the former Brainard Mill site into the Eureka city limits with a condition that the City of Eureka resolve access to U.S. Highway 101 with Caltrans. We support this resolution and consider the Board's action to be a practical decision to address a potentially significant barrier to future development at the site.

We ask that Humboldt LAFCo continue to recognize the access limitations of the site and the importance of maintaining safety standards for the traveling public, should anyone wish to protest your decision to adopt resolution 18-02. Recognizing the complexity and potential cost of developing safe and adequate access to the site, we appreciate LAFCo's cooperation in the annexation process. Caltrans cannot participate in any of the costs associated with increasing the marketability of private property, as public investments benefitting individual property owners is considered a gift of public funds.

Please contact me with questions or for further assistance regarding the above comments at: (707) 441-4693 or by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jesse Robertson".

Jesse Robertson
Transportation Planning
Caltrans District 1