

RESOLUTION № 2020-08

AUTHORIZE THE CITY OF WOODLAND TO PROVIDE OUT OF AGENCY WATER, SEWER, POLICE PROTECTION, STORM WATER, AND SOLID WASTE/RECYCLING SERVICES TO THE EAST BEAMER NEIGHBORHOOD CAMPUS PROJECT, AN 8.5-ACRE PORTION OF APN 027-360-010, LOCATED AT 1901 EAST BEAMER STREET IN WOODLAND (LAFCO NO. 937)

WHEREAS, on October 9, 2020, the City of Woodland (City) submitted an application to extend City services outside its jurisdictional boundaries to an 8.5-acre portion of APN 027-360-010 in order to provide water, sewer, police protection, storm water, and solid waste/recycling services to the East Beamer Neighborhood Campus Project; and

WHEREAS, in accordance with the Cortese Knox Hertzberg Act, Government Code Section 56133, the Yolo Local Agency Formation Commission (“Yolo LAFCo”) may authorize an agency to provide extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change or organization; and

WHEREAS, the project was analyzed in accordance with Government Code Section 56133 and Yolo LAFCo’s local policy for Out of Agency Service Review adopted August 22, 2019;

WHEREAS, on September 15, 2020, the City adopted the Mitigated Negative Declaration as Lead Agency for the project under the California Environmental Quality Act (CEQA), and determined although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant that would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and filed a Notice of Determination ; and

WHEREAS, CEQA requires a Responsible Agency to accept the Mitigated Negative Declaration as prepared by the Lead Agency and to treat the document as being legally adequate absent specified circumstances not present herein; and

WHEREAS, the Executive Officer reviewed the proposal and prepared and filed a report with recommendations with this Commission at least five (5) days prior to the date of the October 29, 2020, meeting during which the project was set to be considered; and

WHEREAS, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony, protests, objections, and any other information concerning the Proposal and all related matters; and

WHEREAS, at said meeting, the Commission reviewed and considered the Mitigated Negative Declaration and the Executive Officer’s Report including all the information, recommendations, findings, and conditions contained therein; and

NOW, THEREFORE, BE IT RESOLVED that the Yolo LAFCo authorizes the City of Woodland to provide out of agency water, sewer, police protection, storm water, and solid waste/recycling services to the East Beamer Neighborhood Campus Project, an 8.5-acre portion of APN 027-360-010, located at 1901 East Beamer Street in Woodland and shown in Exhibit A (LAFCO No. 937) subject to the following findings and conditions of approval:

Findings

1. **Finding:** The potential environmental effects of the Project have been reviewed by the City of Woodland as Lead Agency and determined although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant that would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and filed a Notice of Determination in accordance with the California Environmental Quality Act (CEQA).

Evidence: The potential environmental effects of the proposal (LAFCo No. 937) have been reviewed by the City of Woodland as Lead Agency and determined although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant that would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and filed a Notice of Determination in accordance with CEQA. As a Responsible Agency under CEQA, LAFCo is required to accept a CEQA document as prepared by the Lead Agency and to treat the document as being legally adequate absent specified circumstances not present herein. Potential environmental impacts relating to: biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and tribal cultural resources have been mitigated to a less than significant level. The City has adopted a Mitigation Monitoring and Reporting Program to ensure such Project revisions and measures are implemented.

2. **Finding:** Approval of Out of Agency Services for the project is consistent with LAFCo policies and is a logical extension of City of Woodland services.

Evidence: This Out of Agency Agreement is consistent with Yolo LAFCo's Project Policies, specifically, its Standards of Evaluation (Section 3.3) and Agricultural Conservation Policy (Section 4.0), and the City of Woodland sphere of influence. It is not reasonable and preferable to require annexation at this time, when the homeless shelter is urgently needed. Extended services would only serve the homeless facility and are not considered growth-inducing. There is an agreed-upon timetable for annexation (i.e. 3-5 years). The proposal will be consistent with the Yolo County General Plan and Zoning, as amended. The City of Woodland submitted the proposal application and therefore a "will serve" letter has not been required. The City is able to provide the services without detracting from current service levels. Approval of these services will ensure the adequate provision of municipal services in a manner that is logical and orderly. The site is a decommissioned wastewater treatment facility and would not result in conversion of agricultural or open space land.

Conditions of Approval

1. To the extent allowed by law, the applicant and the real party of interest, if different, agree to defend, indemnify, hold harmless and release the Yolo Local Agency Formation Commission, its agents, officers, attorney and employees from any claim, action or proceeding brought against any of them, the purpose of which to attack, set aside, void, or annul the approval of this application or adoption of the environmental review which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the Yolo Local Agency Formation Commission its agents, officers, attorney or employees.

PASSED AND ADOPTED by the Local Agency Formation Commission, County of Yolo, State of California, this 29th day of October 2020, by the following vote.

AYES:

NOES:

ABSENT:

Olin Woods, Chair
Yolo Local Agency Formation Commission

ATTEST:

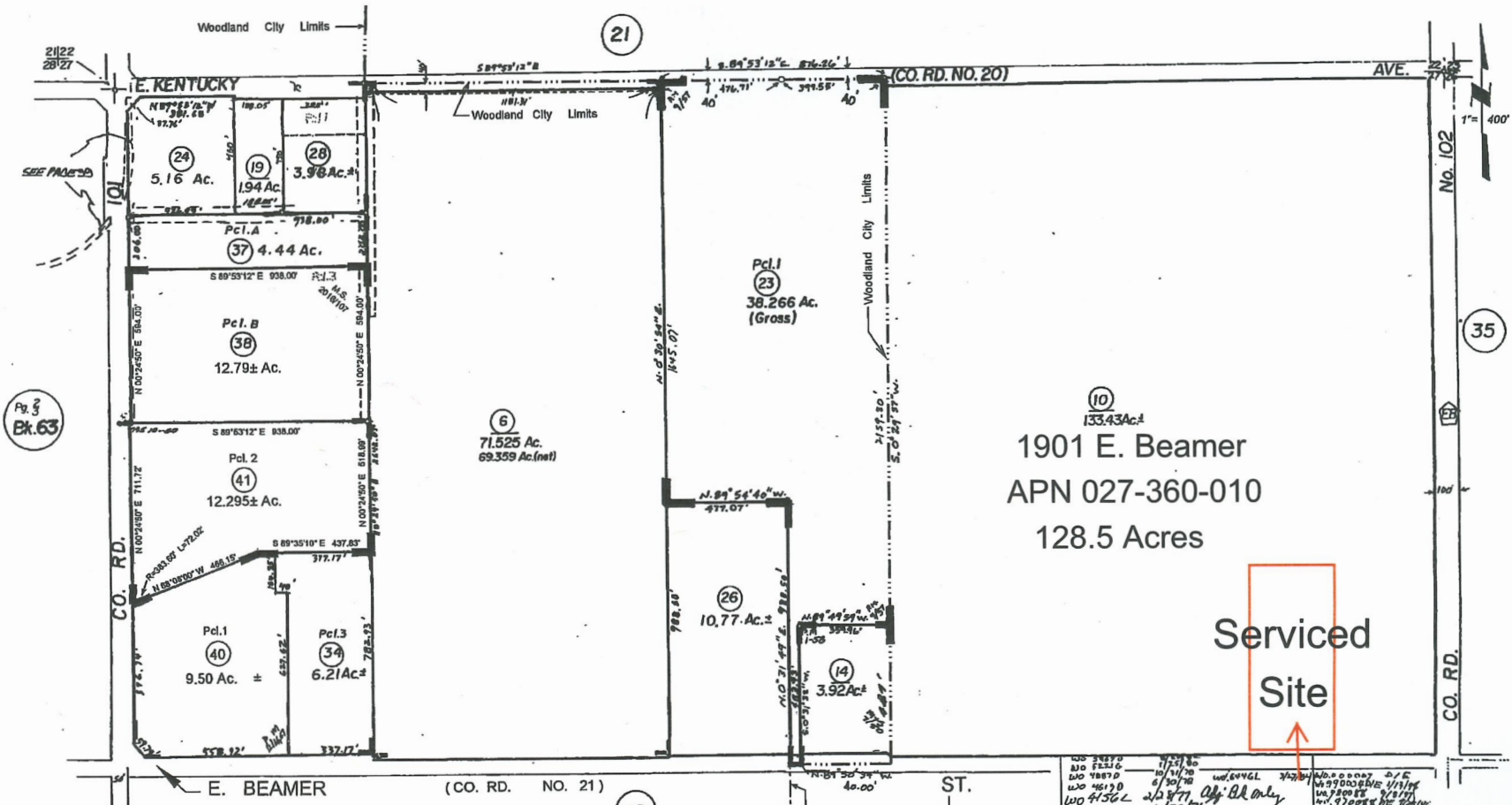


Christine Crawford, Executive Officer
Yolo Local Agency Formation Commission

Approved as to form:



Eric May, Commission Counsel



1901 E. Beamer
APN 027-360-010
128.5 Acres

Served Site

- M.B.S. Bk. 9, Pg. 52 - Record of Survey.
- M.B.S. Bk. 9, Pg. 126 - Record of Survey.
- M.B.S. Bk. 10, Pg. 60 - Divco-Wayne Industries, Inc.
- P.M. Bk. 1, Pg. 58 - Ziemann Mfg. (2191)
- M.B.S. Bk. 7, Pg. 50 - Record of Survey.
- M.B.S. Bk. 12, Pg. 21 - Payless Drug Store Northwest Inc.
- P.M. Bk. 9, Pg. 57 - Woodland Biomass Power, Inc. - 3681
- P.M. Bk. 12, Pg. 66, 67 - Bolger Property # 4.226.
- M.S. Bk. 2016, Pg. 107 - Record of Survey for US Industrial Reit III- Distribution

W.D. 217153	11/23/18	REVISIONS
D.D.T. 344D 73774 NEW ROLL - P.L. 25, 18 AND REVISIONS CHANGES 10/1/2018 FROM 8/1/18 8/1/18 - 10/1/18 10/1/18		

(formerly por. 27 - 12)
CITY & VICINITY OF WOODLAND
Assessor's Map Bk. 27, Pg. 36
County of Yolo, Calif.

NOTE - Assessor's Block Number Shown in Ellipses.
Assessor's Parcel Number Shown in Circles.