

Attachment B

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LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 19 – 08

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION APPROVING THE CITY OF GREENFIELD MIRA MONTE ANNEXATION, AND RELATED DETACHMENTS FROM THE GREENFIELD FIRE PROTECTION DISTRICT AND THE RESOURCE CONSERVATION DISTRICT OF MONTEREY COUNTY (LAFCO FILE 19-02), AND WAIVING CONDUCTING AUTHORITY (PROTEST) PROCEEDINGS

WHEREAS, an application for proposed actions consisting of annexation of approximately 30.5 acres of land to the City of Greenfield and detachment from the Greenfield Fire Protection District and the Resource Conservation District of Monterey County (the “Proposal”) was heretofore filed and accepted for filing by the Executive Officer of this Local Agency Formation Commission; and

WHEREAS, in 2013, the City and the County approved an agreement entitled “Greater Greenfield Memorandum of Agreement” (the MOA); and

WHEREAS, the area of the proposed reorganization is within the City’s existing designated Sphere of Influence as finalized by the Greater Greenfield MOA; and

WHEREAS, the Executive Officer, pursuant to Government Code section 56658, set September 23, 2019 as the hearing date on this proposal and provided public notice as required by law; and

WHEREAS, the Executive Officer, pursuant to Government Code section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission, on September 23, 2019 heard from interested parties and considered the proposal and the report of the Executive Officer, and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code section 56668, and then continued the public hearing to October 28, 2019 to allow for further coordination among the property owner, City, and County regarding certain annexation-related matters identified in the LAFCO Executive Officer’s report for September 23, 2019; and

WHEREAS, the City of Greenfield, as the Lead Agency, has approved environmental clearance pursuant to the California Environmental Quality Act (CEQA) for this proposal by use of an addendum to the previously approved Greenfield Villages mitigated negative declaration for development of the proposal site with residential land uses; and

WHEREAS, the City of Greenfield and the Monterey County Board of Supervisors approved a property tax transfer agreement for this proposal on May 28, 2019 and July 9, 2019, respectively;

NOW, THEREFORE, the Local Agency Formation Commission of Monterey County does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The forgoing recitals are true and correct.

Section 2. The Commission has considered the mitigated negative declaration that the City prepared in 2008 for development of this site, as well as the City’s 2019 addendum that finds there are no altered circumstances or new information of substantial importance since approval of the mitigated negative declaration.

Section 3. The Commission has considered the factors set forth for changes of organization in the Cortese-Knox-Hertzberg Act, Government Code § 56668 and found the proposal to be consistent with these factors as outlined below:

- a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years: *The proposed 32-acre annexation to the City is a long-planned extension of residential development patterns adjacent to the proposal area. Current on-site land uses include small-scale farming and several storage buildings, with portions of the site vacant and undeveloped. Additional long-term city growth is anticipated to occur in the city's designated sphere of influence immediately to the east, and across Thirteenth Street to the west, subject to LAFCO approval of future annexations.*
- b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.: *Build-out of residential uses on the site, as has long been planned, will benefit from a full range of City services. The City has prepared a service plan to facilitate the proposed annexation. The City has adequate staffing, infrastructure, and other resources to serve the proposal area.*
- c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county: *The proposal will promote efficient service provision by contributing to city-centered growth and development.*
- d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. [Note: Government Code Section 56377 pertains to directing development away from open-space and agricultural land, unless this would be detrimental to the promotion of the planned, orderly, efficient development of an area]: *The proposal will facilitate development consistent with adjacent development patterns. The site is partly designated as Prime Farmland and is currently partly used for small-scale agricultural production. However, conversion of this site from agriculture to development has long been studied and planned-for in the context of the Greater Greenfield MOA (2007-2013), and will be offset via payment of an in-lieu mitigation fee, to a qualified land trust, to protect other off-site agricultural lands in perpetuity.*
- e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands: *Please see response "d," above. The site is designated as Prime Farmland and as Grazing Land, in roughly equal measures. Portions of an approximately 24-acre area of the site are used for farming. The agricultural use of the site is small in scale, varies from year to year, and is not integrally linked to any other agricultural operations in the area. Annexation of this site has long been planned in accordance with the negotiations and compromises intrinsic to the Greater Greenfield MOA, including the goal of preserving agricultural production on superior farmlands located closer to the Salinas River.*
- f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries: *The proposal's boundaries are definite and certain. The proposal approved herein includes a City-County road maintenance agreement for the City to take responsibility for maintenance and repairs on a segment of Walnut Avenue that is not feasible to be annexed at this time.*
- g) A regional transportation plan adopted pursuant to Section 65080: *The 2008 Greenfield Villages CEQA document (mitigated negative declaration) for development on this site identified significant impacts to transportation and circulation. The identified transportation and circulation impacts would be reduced to less-than-significant levels with mitigation. In March 2019, the City prepared an updated traffic study as part of the CEQA addendum for the Mira Monte proposal. Per the CEQA mitigation requirements for this project, the project applicant is required to*

provide fair-share contributions for road improvements into a regional transportation improvement fund.

- h) The proposal's consistency with city or county general and specific plans. The proposal is consistent with the city's General Plan land use designations and applicable policies.*
- i) The Sphere of Influence of any local agency which may be applicable to the proposal being reviewed: The proposal is consistent with adopted Spheres of Influence for local agencies. LAFCO staff has consulted with and notified the two special districts from which the subject territory will detach when the site annexes to the city.*
- j) The comments of any affected local agency or other public agency: Comments received from the County Resources Management Agency regarding execution of a road maintenance agreement for a portion of Walnut Avenue have been incorporated into the conditions of approval for this proposal. Per the agreement, the City will take responsibility for maintenance and repairs on a project-adjacent segment of Walnut Avenue that is not feasible to be annexed at this time, but will be included in a future annexation.*
- k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change: The City already serves the area surrounding the proposal site and appears to be financially stable with expenses generally in line with revenues, and with a growing tax base.*
- l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5: The City of Greenfield is the municipal water provider within city limits. As such, the City is required to periodically prepare Urban Water Management Plans for submittal to the State Water Resources Board. The City's CEQA documentation for the proposal states "the City will have sufficient water to meet projected water demands for the proposed project in addition to meeting the existing service area's planned future demands. As the project will have sufficient water supplies available to serve the project from existing entitlements and resources, no new or expanded entitlements needed." Pursuant to the Sustainable Groundwater Management Act, the City has formed the Arroyo Seco Groundwater Sustainability Agency in partnership with the Clark Colony Water Company, and intends to prepare a groundwater sustainability plan to submit to State regulators.*
- m) The extent to which the proposal will affect a City or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments: The proposal will increase the supply of housing within the city by approximately 150 residential units.*
- n) Any information or comments from the landowner or owners, voters, or residents of the affected territory: LAFCO staff conducted outreach, including mailed notice to property owners and registered voters within 300 feet of the proposal site, and has received no inquiries or correspondence.*
- o) Any information relating to existing land use designations: The proposal would implement the City's existing land use designations.*
- p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services: The proposal would have no identified effect on issues related to environmental justice.*

Section 4. The proposal is approved subject to the following terms and conditions. The Certificate of Completion for the reorganization (annexation and detachments) shall not be issued until all terms and conditions are met.

- a. Review and pre-clearance of the annexations and detachments by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act;
- b. Acceptance of maps and/or property descriptions, as needed, by the State Board of Equalization;

c. Finalization of agricultural buffer easements, in consultation with the County of Monterey Agricultural Commissioner, to the satisfaction of the LAFCO Executive Officer, to minimize potential impacts between the proposal and adjacent agricultural land uses. Required elements (landscaping, etc.) and allowed uses within the buffer area shall be as specified in the final grant deeds for the buffer easements. Locations and widths shall be as follows:

- 200-foot permanent agricultural buffer along Walnut Avenue
- 74-foot temporary buffer along Thirteenth Street
- 100-foot temporary buffer in the proposal's "interior" L-shaped corner

Unless otherwise determined by the LAFCO Executive Officer, the buffer easements shall identify two or more co-grantees: typically, a qualified land trust and the County for permanent ag buffers, and a qualified land trust and the City or temporary ag buffers. Execution and recordation of the agricultural buffer easements shall be documented to the LAFCO Executive Officer.

- d. Payment of an in-lieu agricultural mitigation fee in the amount of \$120,000 to the Ag Land Trust (or to an alternative qualified land trust to the satisfaction of the LAFCO Executive Officer); and
- e. Finalization of a City-County road maintenance agreement for the "county road island" segment of Walnut Avenue between Twelfth and Thirteenth Streets, to the satisfaction of the LAFCO Executive Officer

Section 5. The applicant shall agree, as a condition of the approval of this application to defend at its sole expense any action brought against LAFCO, the Commission and its staff, because of the approval of this application. The applicant will reimburse LAFCO for any court costs and attorneys' fees which may be required by a court to pay as a result of such action. LAFCO may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. The obligation on the part of the applicant to indemnify LAFCO is effective upon the adoption of this resolution and does not require any further action.

Section 7. If a Certificate of Completion for a change of organization or reorganization has not been filed within one year after the Commission approves a proposal for that proceeding, the proceeding shall be deemed abandoned unless prior to the expiration of that year the Commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the Commission for completion of necessary prerequisite actions by any party. If a proceeding has not been completed because of the order or decree of a court of competent jurisdiction temporarily enjoining or restraining the proceedings, this shall not be deemed a failure of completion and the one-year period shall be tolled for the time that order or decree is in effect. [Government Code section 57001]

Section 8. The proposed annexation to the City of Greenfield, and detachments from the Greenfield Fire Protection District and the Resource Conservation District of Monterey County are hereby approved as described in Exhibit "A," attached hereto and made a part hereof. The reorganization is assigned the following distinctive short form designation: "City of Greenfield – Mira Monte Reorganization."

Section 9. The annexation area will not be taxed for any existing bonded indebtedness of the City. The regular tax roll shall be used.

Section 12. Protest proceedings for this proposal are hereby waived, in accordance with Government Code Sections 57000 et seq.

Section 13. The effective date for the annexation and detachments shall be the filing of the Certificate of Completion. The Sphere of Influence expansion shall be effective immediately upon approval of this resolution and the completion of any requested reconsiderations.

Section 14. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner and as provided in Section 56882 of the Government Code.

UPON MOTION of Commissioner Gunter, seconded by Commissioner Poitras, the forgoing resolution is adopted this 28th day of October 2019 by the following vote:

AYES: Commissioners Alejo, Gourley, Gunter, Leffel, Lopez, Oglesby, Poitras

NOES: None.

ABSENT: Commissioner Orozco

ALTERANTES: Commissioners Orozco, Parker, Snodgrass and Stephens (non-voting members)

ABSTAIN: None

Motion Carried.



Matt Gourley, Chair
Local Agency Formation Commission of Monterey County

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this 28th day of October 2019,



By: _____
Kate McKenna, AICP

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