



GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

RESOLUTION NO. 13-008

RESOLUTION OF THE BOARD OF DIRECTORS OF THE GARBERVILLE SANITARY DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING AN APPLICATION TO ANNEX AREA INTO THE DISTRICT'S JURISDICTIONAL BOUNDARY AND MODIFY THE PLACE OF USE

Recitals

A. WHEREAS, the Garberville Sanitary District (the "District") has identified the need to modify its Place of Use for its surface water diversion permit and license and annex certain areas of land into its jurisdictional boundary ("Annexation Project");

B. WHEREAS, the District, will prepare an Boundary Change Application (the "Annexation Application") for submission to the Humboldt Local Agency Formation Commission ("LAFCo") and a Petition for a change in the Place of Use for water was submitted to the California State Water Resources Control Board ("SWRCB");

C. WHEREAS, in anticipation of submitting the Annexation Application and to support the petition for a change in place of use, the District, with the assistance of its retained consultant SHN Consulting Engineers & Geologists, Inc., ("SHN"), has performed an analysis of potential environmental impacts associated with the Annexation Project;

D. WHEREAS, the District has prepared the Final Mitigated Negative Declaration dated September 2013, which is the Draft Mitigated Negative Declaration that was circulated for review and comment, and supplemented based upon the comments received; and

E. WHEREAS, the District's Board of Directors believes pursuing the Annexation Project is in the best interests of the District.

Findings

The Board of Directors of the Garberville Sanitary District hereby finds and determines as follows:

RESOLUTION 13-008

1. The District proposes to adopt the Final Mitigated Negative Declaration for the Annexation Project: Change in Jurisdictional Boundary & Place of Use and the associated annexation of additional area(s) of land into the District's jurisdictional boundary.
2. A Draft Mitigated Negative Declaration was prepared for this project by a qualified consultant (SHN) under the direction of District staff. The Final Mitigated Negative Declaration was prepared to meet the requirements of the California Environmental Quality Act (CEQA), California Public Resources Code § 21000, et seq.
3. A Mitigation, Monitoring, and Reporting Plan was prepared for the Annexation Project and is included in on page 83 of the Final Mitigated Negative Declaration.
4. The Draft Mitigated Negative Declaration was properly prepared, advertised, and circulated in accordance with the California Environmental Quality Act, having been:
 - a. Advertised in newspapers of general circulation in the project area;
 - b. Circulated through the State clearinghouse for the required 30 days (State Clearinghouse Number 2012032025);
 - c. Mailed to applicable state and local public agencies and known interested parties;
 - d. Noticed and available for public review for the required 30 days; and
 - e. Prepared using the current Initial Study checklist (CEQA Appendix G), so as to evaluate the potential for adverse environmental impacts under CEQA;
5. Written comments were received by the District in response to the Draft Mitigated Negative Declaration. Responses to those comments were prepared by SHN and considered by the Board.
6. The District held Public hearings on July 23, 2013 and September 24, 2013 to describe and receive public comment on the project and Mitigated Negative Declaration.
7. A Board Meeting was held for the Annexation Project by the Board of Directors on July 23, 2013 and again on September 24, 2013, to consider adoption and approval of the Mitigated Negative Declaration and Annexation Project, respectively.

8. The Board of Directors has reviewed and considered the Mitigated Negative Declaration, public notice, correspondence, staff reports, any comments received at the public hearing or in writing, and responses to comment and information provided in response to those comments, which together constitute the whole record for this project.
9. The Final Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Directors.

Resolution

NOW, THEREFORE, the Board of Directors of the Garberville Sanitary District hereby resolves as follows:

1. The Board of Directors hereby finds that the Final Mitigated Negative Declaration was prepared pursuant to CEQA;
2. The Board of Directors has reviewed and considered the Final Mitigated Negative Declaration, together with all comments received during the public review process and information provided in response to those comments, prior to acting on the Annexation Project;
3. The Board of Directors hereby finds that, based on the whole of the record before it, including all documents and comments, there is no substantial evidence the Annexation Project will have a significant effect on the environment with the incorporation of the mitigation measures included therein;
4. The Board of Directors hereby finds that, based on the whole of the record before it, there is substantial evidence that no new information was added to the record after circulation of the Draft Mitigated Negative Declaration and Notice of Intent to Adopt the Draft Mitigated Negative Declaration that warrants revision and recirculation;
5. The Board of Directors adopts the Final Mitigated Negative Declaration;
6. The Board of Directors adopts the Mitigation, Monitoring, and Reporting Plan for the Annexation Project. District Staff is directed to implement the mitigation measures adopted in the Mitigated Negative Declaration. This is to be accomplished by coordinating with the County and District Staff to ensure that the mitigation measures are implemented.
7. District Staff is directed to maintain the documents which constitute the record of proceedings for approving this Project, which are located at the office of the Garberville Sanitary District, 919 Redwood Drive, Garberville, CA 95542.

RESOLUTION 13-008


8. The Board of Directors hereby approves the Annexation Application and authorizes District Staff to sign the documents necessary, including the indemnification, to submit the Annexation Application to Humboldt LAFCo.
9. District Staff is directed to file a Notice of Determination for the project within five (5) days.

On motion of Director Stewart, and seconded by Director Brodersen, the foregoing Resolution is Passed and adopted this 24th day of September, 2013, by the following roll call votes:

AYES:	Directors	<u>Bourassa, Andersen, Stewart, Brodersen</u>
NOES:	Directors	_____
EXCUSED:	Directors	_____

 _____, Chairperson

ATTEST:


Tina Stillwell, Clerk of the Board