

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

**RESOLUTION NO. 13 – 15  
(SECTION 20.H CORRECTED, DECEMBER 3, 2013)**

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION AMENDING THE CITY OF GREENFIELD'S SPHERE OF INFLUENCE BY THE ADDITION OF APPROXIMATELY 47 ACRES, APPROVING THE YANKS AIR MUSEUM ANNEXATION OF APPROXIMATELY 134.7 ACRES OF THIS AREA TO THE CITY, DETACHMENT OF THE AFFECTED AREA FROM THE RESOURCE CONSERVATION DISTRICT OF MONTEREY COUNTY, AND WAIVING CONDUCTING AUTHORITY ("PROTEST") PROCEEDINGS. (LAFCO FILE NO. 13-03)

WHEREAS, the County of Monterey, the City of Greenfield have worked with the Nichols family for approximately 20 years to develop a World War II and "Golden Era" aircraft museum and related commercial services along the City's northern boundary; and

WHEREAS, In 1997, the County of Monterey approved development entitlements for the project. Since that time, the County has approved several permit extensions and a Lot Line Adjustment to accommodate a reconfigured site layout. "Phase One" of the project, the recreational vehicle park, is under construction with County permits in a southern portion of the site. The remainder of the site continues to be farmed; and

WHEREAS, the approved project includes placement of 306 acres into a permanent agricultural easement granted to the nonprofit Ag Land Trust, and recordation of a 200-foot-wide agricultural buffer easement, granted to the County, along the northern and eastern portions of the site. These easements have been finalized and effectuated; and

WHEREAS, LAFCO has taken two previous actions to facilitate development of the project. In 2000, LAFCO expanded the City's Sphere of Influence to include the proposed Yanks development site. In 2002, LAFCO approved the City's request to extend municipal utilities to the site; and

WHEREAS, an application for the proposed Sphere of Influence amendment and annexation to the City of Greenfield, and detachment from the Resource Conservation District of Monterey County ("Proposal"), was heretofore filed and accepted for filing by the Executive Officer of this Local Agency Formation Commission on July 17, 2013, pursuant to Title 6, Division 1, commencing with Section 56000, et seq. of the Government Code; and

WHEREAS, the proposal currently before LAFCO would expand Greenfield's existing Sphere of Influence by approximately 47 acres to include the project's 200-foot-wide agricultural buffer area, and would annex the entire site into the City in one LAFCO action; and

WHEREAS, the City and County previously contemplated a phased, multi-year annexation process with each of six project phases being individually annexed into the City after being developed under County jurisdiction. The current, single-annexation approach will support earlier project build-out, implementation of a City-County tax sharing agreement and conditions of project approval, and efficient delivery of government services.

WHEREAS, the City and the County jointly support the proposed action. The proposal is consistent with a 2000 Memorandum of Understanding (and subsequent amendments) between the City and County in support of developing the Yanks project. The proposal is also consistent with the City-County Memorandum of Agreement pertaining to the broader issues of Greenfield's future growth, which was approved by LAFCO in June 2013 following City and County approval; and

WHEREAS, the Executive Officer, pursuant to Government Code section 56658, set August 26, 2013 as the hearing date on this proposal; and

WHEREAS, the required notice of the hearing was published in the Salinas Californian on August 2, 2013; and

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in said notice of hearing and in any order or orders continuing such hearing; 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, the purpose of the reorganization proposal is to provide municipal services to the planned and approved Yanks Air Museum development, and the purpose of the Sphere of Influence amendment is to facilitate the reorganization; and

WHEREAS, the City of Greenfield ("Applicant") has indicated its ability to provide service to the area; and

WHEREAS, this Commission, on August 26, 2013 heard from interested parties, 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 sections 56425(e) and 56668; and

WHEREAS, the proposed Sphere of Influence expansion area is contiguous with the currently adopted District Sphere of Influence and boundaries; and

WHEREAS, the Yanks project has undergone a thorough vetting of environmental impact analysis and mitigation through the California Environmental Quality Act process by the County of

Monterey and the Yanks Air Museum and Visitor Serving Project Environmental Impact Report was assigned State Clearinghouse Number 96061081; and

WHEREAS, Monterey County Board of Supervisors Resolution No. 12-339, dated November 6, 2012, made findings pursuant to the California Environmental Quality Act (CEQA), including the following:

- BOARD ORDER RESOLUTION No. 12-339 – FINDING #5: On November 4, 1997, the Monterey County Board of Supervisors reviewed and considered the Final EIR (FEIR), made findings required under CEQA Guidelines Section 15091, and certified the FEIR for the Yanks Air Museum project prior to taking action on the application for the Combined Development Permit (Planning Department File No. SH94002). The analysis in the FEIR concluded that the loss of agricultural land resulting from the approval of the project could not be mitigated to less than significant levels. The Board of Supervisors adopted a Statement of Overriding Considerations for the loss of agricultural land. The Board of Supervisors found that the County eliminated or substantially lessened all other significant effects as shown in the findings supporting the certification of the FEIR. The Board of Supervisors approved the Combined Development Permit subject to conditions and mitigation measures identified in the FEIR, and contained in County Resolution 97-445; and
- BOARD ORDER RESOLUTION No. 12-339 – FINDING #6: An Addendum (Addendum No. 1) to the Final Environmental Impact Report (FEIR) was prepared pursuant to the California Code of Regulations, Title 14, (CEQA Guidelines) Section 15164 as part of consideration of a Second Permit Extension Request (Planning File No. 060582) for the approved Combined Development Permit for the Yanks Air Museum Project (File SH94002). Addendum No. 1 to the FEIR was the appropriate mechanism under CEQA for consideration of the Permit Extension Request by the Board of Supervisors. None of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR occurred as part of the Permit Extension Request. Addendum No. 1 reflected the County's independent judgment and analysis. Monterey County, as the CEQA Lead Agency, determined that no Subsequent or Supplemental EIR was required for the Permit Extension Request pursuant to California Public Resources Code Section 21166 or CEQA Guidelines Sections 15162, 15163, or 15164, as none of the conditions described in those Sections occurred. The findings for the adoption of Addendum No. 1 are contained in Board of Supervisors Resolution No. 08-362 dated October 28, 2008; and
- BOARD ORDER RESOLUTION No. 12-339 – FINDING #7: A second Addendum (Addendum No. 2) to the Final Environmental Impact Report (FEIR) was prepared by staff from the City of Greenfield pursuant to the California Code of Regulations, Title 14, (CEQA Guidelines) Section 15164, as part of consideration and adoption of several actions by the City on September 25, 2012 related to the future annexation of the Yanks Air Museum parcel to the City (City of Greenfield City Council Resolution No. 2012-104). The Addendum to the FEIR was determined by the City of Greenfield to be the appropriate mechanism under CEQA to address and disclose the environmental issues related to the Lot Line Adjustment included under the subject application (Planning Department File No. PLN120376). Those issues included the removal of 34 acres from an existing 340-acre Williamson Act Agricultural Preserve (AGP No.

71-41) and Land Conservation Contract (Contract No. 71-41) as amended in 1994. Staff from Monterey County has independently reviewed Addendum No. 2 and agrees that none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR will occur as part of the approval of the subject Lot Line Adjustment or the annexation of the site to the City. The City of Greenfield, as the CEQA Lead Agency for the annexation, determined that no Subsequent or Supplemental EIR was required for annexation of the site pursuant to Public Resources Code Section 21166 or CEQA Guidelines Sections 15162, 15163, or 15164. The County agrees that none of the conditions described in those Sections will occur; and

WHEREAS, in City of Greenfield Resolution 2012-104 (dated September 25, 2012), the City of Greenfield City Council concurs that the potential impact of the loss of agricultural land is a significant impact that cannot be reduced to less than significant levels with mitigation and therefore, affirms the Statement of Overriding Considerations adopted by the County Board of Supervisors, which found that the job creation and economic benefits of the Yanks project outweigh the loss of farmland. The City of Greenfield concurs with the County Board's finding. The City of Greenfield finds, concurs and affirms that the benefits of the approximately 54 acre sphere amendment and annexation to the City of Greenfield of approximately 135 acres inclusive of the approximately 24 acre airstrip and approximately 30 acre agricultural buffer easement outweigh the loss of agricultural land, as found in Yanks Air Museum Visitor Serving FEIR 95-01; and, the City of Greenfield finds, concurs and affirms that an additional approximately 54 acres inclusive of the airstrip and agricultural buffer constitutes a nominal change in the project design, and creates no substantially new adverse impacts nor creates any substantial intensification of impacts which are unaddressed in the Yanks FEIR 95-01 and City of Greenfield General Plan FEIR SCH#2004061138; and

WHEREAS, the Local Agency Formation Commission is a Responsible Agency per the California Environmental Quality Act, Guidelines Section 15381; and

WHEREAS, the entirety of the aforementioned environmental impact analysis documents specific to the Yanks Air Museum and Visitor Serving Project are attached for reference and made available to the LAFCO Commission at this hearing, and the public may obtain this same information at the LAFCO office and the LAFCO website; and

WHEREAS, pursuant to California Environmental Quality Act Guidelines Section 15162 and 15163, LAFCO finds that no subsequent or supplemental environmental review is required. The LAFCO Executive Officer has reviewed and concurs with the previous environmental determination cited above. The Commission has reviewed and considered the FEIR for the project, and considered the environmental information in the application for annexation of the Yanks Air Museum property and finds that there are no substantial changes in the project, no changes in circumstances, and no new information of substantial importance that would require revisions in the environmental analysis due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects; and

WHEREAS, on August 26, 2013, the Local Agency Formation Commission held a public meeting at which the Commission considered the environmental documents and all interested parties had the opportunity to appear and be heard; and

WHEREAS, the Monterey County Board of Supervisors and the Greenfield City Council considered and adopted a tax transfer agreement in 2000, the validity and adequacy of which was confirmed, for the present proposal, by the County of Monterey in July 2013.

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

Section 1. The above described recitals are true and correct.

Section 2. In determining the Sphere of Influence of the City of Greenfield, the Commission, in accord with Section 56425(e) of the Government Code, has considered and prepared a written statement of its determinations with respect to each of the following:

- *The present and planned land uses in the area, including agricultural and open-space lands.*

The proposed Sphere of Influence expansion area is approximately 47 acres. The two primary components of the Sphere expansion area are a planned private airstrip and a 200-foot-wide agricultural buffer easement, each of which is directly related to the Yanks Air Museum project. While the overall site, including the proposed 47-acre expansion area, is currently farmed, the conversion of this land to commercial uses was approved by the Monterey County Board of Supervisors in 1997 and has been affirmed by several County, City, and LAFCO decisions since approval of the original entitlements. The proposed expansion area is located directly adjacent to the Sphere of Influence expansion approved by LAFCO in 2000 to accommodate the future Yanks Air Museum. The expansion will allow the reorganization area boundaries to be consistent with the lot line adjustment approved by the Monterey County Board of Supervisors in 2012.

- *The present and probable need for public facilities and services in the area, and*
- *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*

The Sphere of Influence expansion area is currently farmed and requires few public facilities and services. The area is within the boundaries of the Greenfield Fire Protection District, which provides fire protection and emergency medical services independent of the City.

The City's operations and boundaries were reviewed within the Greenfield Municipal Service Review which was approved by LAFCO in September 2010. This analysis did not identify any deficiencies in the City's services or structure that would impair the City's ability to serve the project's likely future needs. The proposed 47-acre Sphere expansion is consistent with the City-County Memorandum of Agreement approved by LAFCO in June 2012, following City and County approvals.

In its annexation application, the City has determined that it will have the physical and financial abilities to provide the needed facilities and services. The Greenfield Fire Protection District has also indicated the existing mitigation measures and agreements will be adequate to serve the project's potential increased future demands on fire protection services.

- *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.*

The site is currently uninhabited. There are no social or economic communities of interest in the affected 47-acre Sphere expansion area.

- *The present and probable need for public facilities and services [related to sewers and municipal and industrial water] of any disadvantaged unincorporated communities within the existing Sphere of Influence.*

There are no unincorporated communities within the City of Greenfield's existing or proposed Sphere.

Section 3. The Commission has considered the factors set forth in the Cortese-Knox-Hertzberg Act for reorganization and found them to be consistent with the current proposal, as more fully discussed below.

Section 4. *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 (Gov. Code § 56668(a).)*

The proposed reorganization area is approximately 134.7 acres in size. The site is uninhabited. The site is relatively flat, contains no water bodies, and is located adjacent to the existing Greenfield city limits on the eastern side of U. S. Highway 101. The northern and eastern edges of the proposed reorganization area are contained within agricultural buffer easements. The approximately 306-acre parcel to the east of the Yanks Air Museum is protected by a permanent agricultural preservation easement that was a required mitigation measure for the proposed Yanks Air Museum project. The Highway 101 freeway separates the development site from agricultural lands to the west, located outside the Growth Area Boundary adopted by LAFCO in June 2013. The only site-adjacent area of potential growth in the foreseeable future is on lands to the south, which the City's General Plan designates for "Artisan Agricultural Visitor Serving (AAVS)" uses. This General Plan designation allows small-scale agricultural activities while simultaneously accommodating visitor-serving uses. While this AAVS area is not within the City's Sphere of Influence, LAFCO has designated the area south of the Yanks Air Museum as a Future Study Area.

Section 5. *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 ... annexation ... and of alternative courses of action on*

*the cost and adequacy of services and controls in the area and adjacent areas. (Gov. Code § 56668(b).)*

The proposed reorganization area is within the boundaries of the Greenfield Fire Protection District, and served by District firefighters and EMTs. The area is also served by the City of Greenfield for water and sewer services. The extension of water and sewer services outside the City boundaries was approved by LAFCO in 2002 in anticipation of future annexation. The property owner is paying the City directly for these services.

The annexation will allow Yanks Air Museum to be served by the Greenfield Police Department, which is located within two miles of the project site, with timely emergency response possible via El Camino Real and/or Highway 101. A further public safety benefit could accrue from including the 101 freeway right-of-way, adjacent to the project site's western boundary, in this annexation. In so doing, the City of Greenfield Police Department would then assume a "first responder" role, which may, in turn, further enhance emergency response times on this approximately 0.75-mile segment of freeway. Completion of annexation map and text revisions to include the adjacent segment of the freeway right-of-way is included in this resolution, accordingly, as a condition of approval.

The annexation will allow the Yanks Air Museum site to be governed by the Greenfield City Council rather than the more physically distant County Board of Supervisors. It will allow the City to issue planning and building permits, and to ensure compliance with local codes. The City would also be responsible for most other municipal services, including parks, recreation facilities, open space, street maintenance, street lighting, and street sweeping.

Section 6. *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. (Gov. Code § 56668(c).)*

The proposed reorganization has been anticipated by the City and County for over a decade. The anticipated future Yanks project's potential impacts have been identified and mitigated, as warranted, through the project's environmental clearance process. The detachment of the annexation area from the Resource Conservation District is a routine change in Monterey County for a municipal annexation. The inclusion of the visitor destination within the City limits will strengthen police protection on the site.

This resolution includes, as a condition of approval, the execution of a written agreement that the City will take over all condition compliance and environmental mitigation monitoring and reporting program (MMRP) rights and obligations of the County with respect to any approvals that have been granted.

Section 7. *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. (Gov. Code § 56668(d).)*

Section 56377 applies to proposals that could reasonably be expected to induce, facilitate, or lead to conversion of existing open space lands to uses other than open space uses. The proposed annexation facilitates a project that converts this currently agricultural parcel to urban uses. However, this conversion has been approved and entitled by the County Board of Supervisors and the visitor-serving facilities are currently being developed. The County approval required mitigation in the form of placing a permanent agricultural conservation easement on a 306-acre parcel immediately to the east and ringing the northern and eastern air museum boundary with a 200-foot-wide agricultural buffer easement. The proposed reorganization area is contiguous with the existing City boundaries. This area is being developed with urban-type uses and at an urban density, and is therefore best served by being located within an incorporated city.

Section 8. *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined in Section 56016. (Gov. Code § 56668(e)).*

The County has required two primary environmental mitigation measures that will maintain the physical and economic integrity of adjacent agricultural lands, while allowing this commercial development to move forward and strengthen the local economy. The two primary mitigation measures have required the placement of a permanent agricultural conservation easement on a 306-acre parcel immediately to the east of the site, and placement of a 200-foot agricultural buffer easement along the northern and eastern site boundaries. These mitigation measures have been finalized and recorded.

Section 9. *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. (Gov. Code § 56668(f).)*

The proposed reorganization area consists of a single legal lot of record with four assigned Tax Assessor's parcel numbers: 111-012-017, 018, 019 and 020. The site is contiguous with the existing City limits. As noted above, completion of annexation map and text revisions to include the adjacent segment of the freeway right-of-way is included in this resolution as a condition of approval. Including the adjacent freeway segment in the annexation is consistent with the freeway's current inclusion within the existing City limits.

Section 10. *A regional transportation plan adopted pursuant to Section 65080 and consistency with City or County General and Specific Plans. (Gov. Code § 56668(g).)*

Development entitlements for the Yanks Air Museum were approved by the County Board of Supervisors 1997 and found to be consistent with the County General Plan and zoning designations. Environmental clearance for the project's development entitlements ensured compliance with all applicable transportation plans and requirements. The City of Greenfield has pre-designated the site as Artisan Agricultural Visitor Serving with a Gateway overlay. The current City General Plan and pre-zoning designations were adopted in anticipation of development of the Yanks project.

Section 11. *The Sphere of Influence of any local agency, which may be applicable to the proposal being reviewed. (Gov. Code §§ 56375.5, 56668(h).)*

The proposed reorganization area is neither within, nor in proximity to, the Sphere of Influence of any other governmental body that could provide a full range of municipal services.

Section 12. *The comments of any affected local agency or other public agency. (Gov. Code § 56668(i).)*

In making its determinations, the Commission has considered input received from the Monterey County Resource Management Agency, which included comments from the County Planning and Public Works Departments, and the Environmental Health Bureau. The Public Works Department comments recommended that the segment of the 101 freeway, adjacent to the site's western boundary, be included in the annexation. This resolution includes a corresponding condition of approval, as noted above in Section 4.

The Commission has also considered input from the Greenfield Fire Protection District, as reported in the Executive Officer's report for the proposed reorganization. The District has expressed support for the proposed annexation but also expressed concern that current funding mechanisms are inadequate to meet fire protection needs that will result from build-out of the Yanks project, as well as all other future growth within the District's service area. This resolution includes a condition that, prior to recordation of the annexation's Certificate of Completion, the applicant shall provide written evidence of having reached agreement with the Chief of the Greenfield Fire Protection District as to the implementation of existing fire protection-related commitments.

Section 13. *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. (Gov. Code § 56668(j).)*

Annual revenues generated from the commercial facilities on the site will fund municipal services to the area. City general fund revenues will include property, sales, and transient occupancy tax revenues. The City has estimated that the Yanks Air Museum may annually yield \$1 million in property tax and between \$300 and \$600 thousand in sales and transient occupancy taxes. Direct government services, such as sewer and water, will continue to be paid by the property owner.

Section 14. *Timely availability of water supplies adequate for projected needs as specified in Section 65352.5. (Gov. Code § 56668(k).)*

LAFCO's 2010 Municipal Service Review for the City found that the municipal water system has the capacity to pump approximately 8.0 million gallons a day (mgd) while the maximum current demand is reported at approximately 1.8 mgd. In a response to this annexation's application referral, the Monterey County Environmental Health Bureau has informed LAFCO staff that "all

of the required public services that EHB are concerned with are provided by the City of Greenfield and those facilities, sewer and water, have ample capacity to serve this annexation.”

Section 15. *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 consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7. (Gov. Code § 56668(l).)*

The Affected Territory is developed consistent with both the County and the City general plans and zoning designations. The property has never been designated for housing development. Because the City and surrounding area contains more housing than jobs, the development of this site for visitor-serving uses will improve the local jobs/housing balance.

Section 16. *Any information or comments from the landowner or owners, voters, or residents of the affected territory. (Gov. Code § 56668(m).)*

The landowners of the single parcel proposed for the reorganization support the proposal and have signed a consent form to include their property within it. The property is unoccupied and contains no residents or voters.

Section 17. *Any information relating to existing land use designations. (Gov. Code § 56668(n).)*

The area has two zoning designations under the County’s Zoning Ordinance: Heavy Commercial and Farmlands, 40 Acre Minimum. The City has designated the 134.7-acre site in the General Plan as “Artisan Agriculture & Visitor Serving” with a “Gateway Overlay.” The City pre-zoned the site consistent with the General Plan on September 25, 2012. The proposed development is consistent with this designation.

Section 18. *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. (Gov. Code § 56668(o).)*

The City anticipates that the reorganization will provide jobs and tax revenues which will benefit City residents. The City has one of the lowest household incomes in the County.

Section 19. *Whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner, or reorganization with other single-purpose agencies that provide related services. (Gov. Code §§ 56301, 56886.5.)*

The City of Greenfield is adjacent to the proposed annexation area, and the proposed development area is currently within the City’s Sphere of Influence. The Yanks Air Museum is most appropriately located within the City limits of Greenfield, a local agency capable of providing a full range of municipal services.

Section 20. The proposal is approved subject to the following terms and conditions:

- a. Review and pre-clearance of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act;
- b. Completion of the Reconsideration process described in Government Code section 56895;
- c. Preparation of a map and geographic description acceptable to the State Board of Equalization;
- d. Payment of all fees incurred in the processing of the application consistent with the LAFCO fee schedule, including the fee required by the State Board of Equalization;
- e. The applicant City's indemnification of LAFCO for any court costs and attorneys' fees that may be required by a court to pay as a result of such action (see Section 26, below);
- f. Inclusion of 101 freeway right-of-way adjacent to the site's west boundary in the annexation map and accompanying text;
- g. Execution of a written City/County agreement confirming that the City will assume all condition compliance and environmental mitigation monitoring and reporting program (MMRP) rights and obligations of the County with respect to any approvals that have been granted, and
- h. Developer's provision of written evidence of having reached agreement with the Chief of the Greenfield Fire Protection District as to the implementation of the project's existing fire protection-related and emergency medical services-related commitments, as established in the Final EIR mitigation measures and in a July 2001 Memorandum of Agreement between the City of Greenfield and the developer.

Section 21. The Certificate of Completion for the reorganization shall not be issued until all terms and conditions are met. The Sphere of Influence expansion shall be effective immediately upon approval of this resolution and the completion of any requested reconsiderations.

Section 22. 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 23. The boundaries of the territory proposed for reorganization 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: **"YANKS AIR MUSEUM REORGANIZATION."**

Section 24. The provisions of the previously approved City-County property tax transfer agreement remain in effect.

Section 25. The affected territory is uninhabited. All of the affected area is owned by one property owner, who has signed and consented to the annexation application. Pursuant to California Government Code Section 56663, Conducting Authority Proceedings ("protest hearing") are waived.

Section 26. The applicant City agrees, 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 27. The effective date of the reorganization will be the filing of the Certificate of Completion.

Section 28. 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 Salinas, seconded by Commissioner Gunter, the foregoing resolution is adopted this 26<sup>th</sup> day of August, 2013 by the following vote:

AYES: Commissioners Calcagno, Darington, Gunter, Rubio, Salinas, Snodgrass, Stephens

NOES: None

ABSENT: Commissioner Orozco

ABSTAIN: None

  
\_\_\_\_\_  
Louis R. Calcagno, 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 5th day of September, 2013

By:   
\_\_\_\_\_  
Kate McKenna, AICP, Executive Officer