Yolo County Local Agency Formation Commission 625 Court Street, Suite 107, Woodland, CA 95695 530.666.8048 (office) 530.662.7383 (fax) email: lafco@yolocounty.org www.yololafco.org

TO: Olin Woods, Chair and

Members of the Local Agency Formation Commission

DATE: June 22, 2009

FROM: Elizabeth Castro Kemper, Executive Officer

Elisa Carvalho, Senior Management Analyst

SUBJECT: Peart Annexation to the Yolo County Resource Conservation District (LAFCO

Proceeding No. 909)

#### **EXECUTIVE OFFICER'S REPORT**

#### RECOMMENDATIONS

Staff recommends that the Commission:

- 1. Assign the short form title, "Peart Annexation to the Yolo County Resource Conservation District," to this proposal.
- 2. Accept the Class 20 Categorical Exemption for the Peart Annexation to the Yolo County Resource Conservation District as the appropriate environmental review for this proposal and instruct the Executive Officer to file a Notice of Exemption with the County Clerk.
- 3. Make the findings and conclusions as set out in this Executive Officer's Report.

#### **COMMISSIONERS**

\* Public Member Olin Woods. Chair \*

★ County Member Matt Rexroad. Vice Chair ★

★ City Members Tom McMasters-Stone, Stephen Souza ★ County Member Helen M. Thomson ★ ALTERNATE COMMISSIONERS

\* Public Member Robert Ramming \* City Member Skip Davies \* County Member Jim Provenza \* STAFF

\* Executive Officer Elizabeth Castro Kemper \* Senior Management Analyst Elisa Carvalho \* \* Commission Counsel Robyn Drivon \* Commission Clerk Terri Tuck \*

4. Approve the Peart Annexation to the Yolo County Resource Conservation District, subject to the following conditions:

- (a) The applicant shall pay all appropriate State Board of Equalization fees prior to the recording of the Certificate of Completion for the Peart Annexation to the Yolo County Resource Conservation District;
- (b) The project applicant will be subject to all appropriate fees, service charges, and necessary assessments of the Yolo County Resource Conservation District and the County of Yolo; and
- (c) That the applicant and the real party of interest, if different, agree to defend, indemnify, hold harmless and release the Yolo County 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 is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document 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 County Local Agency Formation Commission, its agents, officers, attorney, or employees.
- 5. Pursuant to Government Code §56663(c), the Conducting Authority proceedings for this proposal are hereby waived.
- 6. Request the Yolo County Surveyor oversee the preparation of the final map and legal description for the proposed change of organization.
- 7. Determine the effective date of the approval of this agreement to be five (5) working days after recordation by the County Recorder of the Executive Officer's Certificate of Completion.

#### **BACKGROUND**

The application for the Peart Annexation to the Yolo County Resource Conservation District (RCD) (Attachment A) was submitted to the Local Agency Formation Commission on January 16, 2009. The intent of this proposal is to help the District accurately reflect its service area and to allow a more logical service boundary; most of the properties in Yolo County that surround the proposal area are in the District.

In updating the Yolo County RCD map, staff identified several parcels that were not clearly inside or outside of the RCD boundaries. The Commission directed staff to contact the property owners of these parcels to determine if they would like to be included in the District.

Mr. Peart responded that he was receiving RCD services and would like his property to be included in the RCD boundaries; however, he requested a waiver of all LAFCO fees, since the annexation is part of an effort to help clean up and clarify the Yolo County RCD boundaries. The applicant agreed to pay \$2,000 in State Board of Equalization fees. In order to facilitate the proposal, LAFCO staff prepared the project map.

As provided by law, the application is filed pursuant to the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code §56000 et seq. The application proposes the annexation of approximately 410 acres into the Yolo County RCD. The "subject territory" is located in north-central Yolo County, adjacent to and south of the Yolo/Colusa County boundary line.

The Certificate of Filing for the proposal was issued by the Executive Officer on June 12, 2009. Yolo LAFCO staff has recommended the Class 20 Categorical Exemption as the appropriate environmental review. Notice of this proposal has been provided to all affected agencies. The petition has been signed by all of the owners of land within the affected territory and, as provided in the CKH Act, does not require notice or hearing.

#### ANALYSIS OF FACTORS THAT MUST BE CONSIDERED

The requirements of Government Code §56841 (Cortese-Knox-Hertzberg Act), the Yolo County Local Agency Formation Commission Standards of Evaluation (LAFCO Resolution No. 2007-07) and the Agricultural Conservation Policy (last amended by Minute Order 2007-25) indicate that certain factors be considered in the analysis of this proposal. The reference documents for this study are the RCD "District Service Plan" and the RCD Municipal Service Review and Sphere of Influence Study.

Requests for input were distributed to the County Assessor, Auditor, Surveyor, Elections, and Planning Departments. Responses from those departments have been included in this report as appropriate.

The following agencies were contacted regarding this project: Yolo County Library, Sacramento-Yolo Mosquito and Vector Control District, Pierce Joint Unified School District, Yuba Community College District, Yolo County Office of Education, Capay Cemetery District, Dunnigan Fire Protection District, and Yolo County RCD.

# LOCATION AND LAND AREA - CONFORMITY WITH COUNTY GENERAL PLAN - PROPOSED LAND USE - PRESENT LAND USE - ASSESSED VALUE AND OWNERSHIP

The subject territory is located in north, central Yolo County, east of Interstate 5, adjacent to and south of County Road 1. Active farmland in the County surrounds the property.

The subject territory is zoned "Agriculture Preserve" (AP) by the County. There will be no change in land use as a result of this proposal.

The proposal includes four parcels that total approximately 408 acres. The assessed value of the property is approximately \$2,075,182 (refer to the Auditor's report in Attachment B). According to the Assessor's Office, Donald and Vesta Peart are the owners of record for the property.

Landowner	Assessor Parcel #	Acreage	Land Value	Improvements/ Unsecured	Total Value
Donald and Vesta Peart Trust	062-010-002	154.09	\$239,532	\$485,884	\$725,416
Donald and Vesta Peart Trust	062-010-003	117.75	\$197,790	\$382,567	\$580,357
Donald and Vesta Peart Trust	051-010-032	51.97	\$134,835	\$161,855	\$296,690
Donald and Vesta Peart Trust	051-010-033	84.1	\$222,529	\$250,190	\$472,719

According to the Yolo County Elections Department, there are two registered voters in the Territory, which makes it uninhabited under Government Code §56046.

#### **TOPOGRAPHY AND DRAINAGE**

The Territory has a moderate slope and drains south, southeast.

## <u>EFFECT ON GOVERNMENTAL AGENCIES – PROPERTY TAX NEGOTIATIONS – OTHER AGENCY INPUT – OTHER COUNTY DEPARTMENT INPUT</u>

The local agencies located within the boundaries are as follows:

- Yolo County
- Yolo County Library
- Yolo County Road District #2
- Capay Cemetery District
- Dunnigan Fire Protection District
- Sacramento-Yolo Mosquito & Vector Control District

- Yolo County Department of Education
- Pierce Joint Unified School District
- Yuba Community College

The County Board of Supervisors approved the property tax exchange for this proposal on June 2, 2009 with no property tax allocated to the RCD. The total annual property tax levy for the territory is \$20,751.82. Based on the RCD's tax distribution factor, the RCD's property tax distribution was calculated to be \$9.15 per year.

Property tax allocated to the RCD would result in a change in the share to other agencies, including the County. It is against the County's policy to shift its property tax revenue to another agency and, therefore, the County declined to allocate property tax to the RCD. As a result, the proposed annexation would not result in a change in property tax allocation to the affected agencies. The proposal was circulated to affected agencies for comment. LAFCO did not receive comments from the affected agencies.

The Yolo County RCD did not object to the annexation of the subject territory to the District; however, the RCD disputed the County's recommendation and subsequent action to not allocate property tax to the District.

#### **BONDED INDEBTEDNESS**

No bonded indebtedness is involved with this proposal.

# EFFECT ON OPEN SPACE AND AGRICULTURAL USES - PROXIMITY TO OTHER POPULATED AREAS - EFFECT ON ADJACENT AREAS - ENVIRONMENTAL ASSESSMENT - AGRICUTURAL POLICY

There is no intention to change the land use, to convert the proposal site to urban use, or to affect open space. This proposal will not result in development of the area; therefore, there should be no growth pressure on adjacent areas as a result of this annexation. Since there will be no conversion of soils from agricultural to urban uses, the Agricultural Conservation Policy and Land Evaluation and Site Assessment model do not apply.

Given the circumstances outlined above, acceptance of a Class 20 Categorical Exemption as the appropriate environmental review is recommended. A Class 20 Exemption applies to local government reorganizations requiring no changes in the areas where previous powers were exercised, such as the establishment of subsidiary districts, consolidations, and mergers. The Class 20 Exemption is appropriate because the landowners are enrolled in a program with, and currently receive services from, the RCD.

#### **COST FOR GOVERNMENTAL SERVICES**

The RCD provides services based on program availability and upon the landowners request. There will be no other change in governmental services related to this proposal.

#### **ENVIRONMENTAL JUSTICE**

LAFCO must consider the extent to which the proposal will promote environmental justice. "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. Services are typically provided in cooperation with any willing, interested landowners, based on program requirements and availability.

#### **DEFINITENESS AND CONFORMANCE OF BOUNDARY**

The County Surveyor and the County Assessor have reviewed the proposal for the Peart Annexation to the Yolo County RCD. The new proposed boundaries do not split assessor parcels, lines of ownership, or conflict with the boundaries of other public agencies. The County Surveyor has also attested that the submitted final legal description and map for this proposal are mathematically correct.

The Surveyor noted several concerns with the map. According to the Surveyor, "the legal description is vague and, other than a called point for the Point of Beginning, it is not certain the description follows existing boundaries". The Surveyor also stated that "the portion of the description at the intersection of the Tehama-Colusa Canal with County Road 1 is vague;" it appears, "the southerly portion of the canal right of way where it crosses the canal is excluded".

The map should adequately fulfill State Board of Equalization (SBE) requirements. In the event that the State Board of Equalization (SBE) has comments or questions, LAFCO staff will work with the SBE to meet necessary requirements. The map for the Peart Annexation proposal was created by Yolo LAFCO staff with support from Yolo County and Los Angeles LAFCO Geographic Information System (GIS) personnel.

#### OTHER AGENCY INPUT – OTHER COUNTY DEPARTMENT INPUT

No other input by other agencies relevant to this report was received.

#### **CONFORMITY WITH COMMISSION POLICY**

This proposal is consistent with the Yolo County LAFCO's Standards of Evaluation. The annexation of these properties is consistent, logical, and orderly. The District indicates that it has the capacity to provide services to the subject territory based upon program availability and upon the landowners' request.

#### **ALTERNATIVE ACTIONS**

Other alternatives considered in the Peart Annexation to the Yolo County Resource Conservation District:

- 1. The Commission could deny the proposal, but waive the one-year limitation to hear the proposal.
- 2. Approve the Peart Annexation to the Yolo County Resource Conservation District unconditionally.

#### **EXECUTIVE OFFICER'S COMMENTS**

The proposed Peart Annexation is logical and orderly. The annexation will help provide contiguous boundaries for the RCD in this area.

This proposal does not result in a change in land use; therefore, LAFCO staff recommends the Categorical Exemption as the appropriate environmental review.

Staff recommends that the Commission approve this proposal consistent with the findings, conclusions, and recommendations listed below.

#### **FINDINGS AND CONCLUSIONS**

- 1. LAFCO received the application for the Peart Annexation to the Yolo County Resource Conservation District on January 16, 2009.
- 2. The subject territory is approximately 410 acres.
- 3. The subject territory is zoned Agricultural Preserve (AP) by the County.
- 4. The proposal is consistent with the Yolo County Resource Conservation District Municipal Service Review and Sphere of Influence Study.
- 5. There are two registered voters in the territory; therefore, the proposal area is considered uninhabited by state law.
- 6. The subject territory has a total assessed land value of \$2,075,182.
- 7. Property tax transfer negotiations were completed and approved by the County on June 2, 2009.
- 8. A Class 20 Categorical Exemption is the appropriate environmental review for this proposal.
- 9. The subject territory will be eligible to receive services from the RCD based on program availability and upon the landowners request; otherwise, there will be no change in governmental services related to this proposal.

10. The following agencies and districts were notified concerning this proposal: Yolo County Library, Sacramento-Yolo Mosquito and Vector Control District, Pierce Joint Unified School District, Yuba Community College District, Yolo County Office of Education, Capay Cemetery District, Dunnigan Fire Protection District, and Yolo County RCD, as well as the County Assessor, Auditor, Surveyor, Elections, and Planning Departments. These agencies did not object to this proposal. No comments were received against this proposal from these agencies.

- 11. This proposal will not result in a change in land use and is not subject to LAFCO's Agricultural Conservation Policy.
- 12. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
- 13. The annexation is consistent with the LAFCO Standards of Evaluation.
- 14. The area proposed for reorganization represents an orderly, logical, and a justifiable extension of the District boundaries.
- 15. All owners of land within the subject territory have given their written consent to the annexation, and the subject agency has not submitted written opposition to the proposal.
- 16. A waiver of protest proceedings is appropriate for this proposal.

#### Attachments:

Attachment A: Application (includes Map and Legal Description)

Attachment B: Auditor's Report

## Local Agency Formation Commission of Yolo County

625 Court Street, Suite 107, Woodland, CA 95695 Phone (530) 666-8048 Fax (530) 662-7383 lafco@yolocounty.org www.yololafco.org

# PETITION FOR PROCEEDING PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2001 Section I

The undersigned hereby petition(s) the Yolo County Local Agency Formation Commission for approval of a proposed change of organization or reorganization, and stipulate(s) as follow:

This proposal is made pursuant to Part 3, Division 2, Title 5 of the California Government Code (commencing with §56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2001).

1. Short Title:
Peart Annexation to the Yolo County Resource Conservation District (LAFCO No. 909)
2. The specific change(s) of organization proposed is/are: Annexation
If other is selected please explain:
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibit(s) attached.
4. The territory(ies) included in the proposal is/are: Un-Inhabited
5. This proposal is $\boxtimes$ is not $\square$ consistent with the Sphere of Influence of the affected city and/or district(s).

6. The reason(s) for the proposal is/are:

The property currently receives service from the Yolo County Resource Conservation District, but is not inside the RCD boundaries. Annexation of this property into the District will help the District accurately reflect its service area. Additionally, this annexation would create a more logical service boundary, since most of the properties in Yolo County that surround the proposal area are in the District.

7.	The proposal	is requested	to be made sub	ject to the following	g terms and conditions:
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Request waiver of the annexation fees and the fee waiver fee.

8. Give a general description of the territory's natural and manmade features:

The proposal includes four parcels totaling approximately 400 acres located in north Yolo County; all four parcels are east of I-5 and adjacent to and south of County Road 1, which is at the Yolo/Colusa County boundary line. All four parcels are zoned Agricultural Preserve (A-P) and have actively farmed almond orchards. There is a homesite on parcel 062-010-02 at the corner of County Road 1 and County Road 85A. The land is generally flat.

9. List the Assessor's Parcel Number(s) for the affected parcels in the proposal (use additional sheet if necessary.

062-010-02

062-010-03

051-010-32

051-010-33

10. Provide (separately) mailing labels for all landowners and registered voters within 300' of outside proposal boundary (may provide WORD/EXCEL computer disc with label list instead).

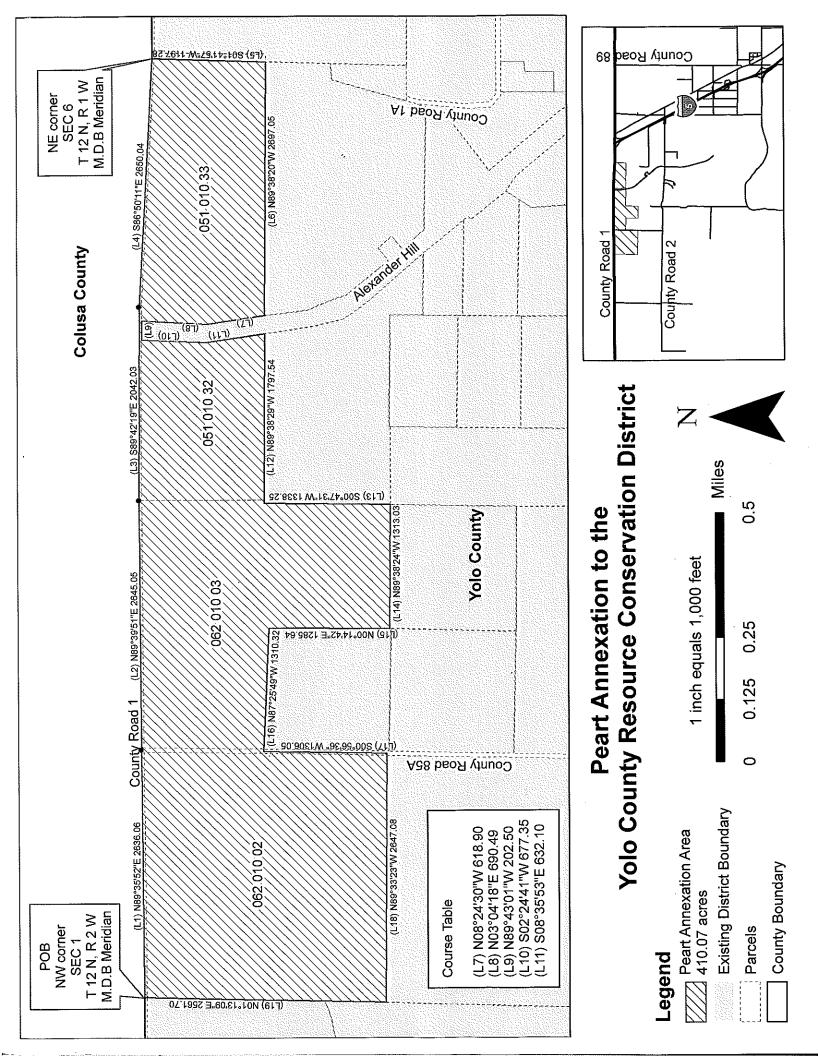
11. Have alternatives to this proposal been considered?  • Yes C No If so, please list and explain:	
	·
The other alternative is no annexation.	
12. Describe the proposed changes in land use for this propose	ıl (if applicable).
No changes in land use will occur.	
13. If a change in land use will occur if the proposal is accepted table for the completion of the changes?	, what is your expected time-
No changes in land use will occur.	
1 14. Is there 100% written landowners consent for this proposal?	
€ Yes ← No (Please attach consent).	,

Protection District		2, Capay Cemetery District, Dunnigan Fire ctor Control District, Yolo County Office of oa Community College District
	• • • • • • • • • • • • • • • • • • •	eed three (3) in number) who are to be and who are to given Notice of Hearing.
1. Name:		
Street:		Other:
City / Zip:		
Telephone:	Ema	nail:
Date:		•
2. Name:		
Street:		Other:
City / Zip:		
Telephone:	Ema	nail:
Date:		
3. Name:		
Street:		Other:
City / Zip:		
Telephone:	 Ema	nail:
Date:		Į.
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15. Name and identify all affected counties, cities, or districts:

## 17. Signature for Petition Designee (use addition sheets if needed)

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Date: 1-16-09
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wner Date: 1-16-09
<u> </u>
int Name
nt Voter
ner-voter
ner Date:
/ne



## Peart Annexation To the Yolo County Resource Conservation District

Those certain parcels of land being a portion of the North Half of Section 1, Township 12 North, Range 2 West, along with a portion of the North Half of Section 6, Township 12 North, Range 1 West, M.D.B. Meridian.

Beginning at the Northwest corner of said Section 1, said corner also being the intersection of the centerline of County Road 1 and the boundary of Yolo County Resource Conservation District as same existed on February 12, 2009;

Thence, leaving said district boundary along the centerline of County Road 1 the following describes courses (L1) North 89°35'52" East 2636.06 feet;

Thence, (L2) North 89°39'51" East 2645.05 feet;

Thence, (L3) South 89°42'19" East 2042.03 feet;

Thence, (L4) South 86°50'11" East 2650.04 feet to a point in said district boundary;

Thence, along said district boundary the following described courses (L5) South 01°41′57" West 1197.28 feet;

Thence, (L6) North 89°38'20" West 2697.05 feet;

Thence, (L7) North 08°24'30" West 618.90 feet;

Thence, (L8) North 03°04'18" East 640.49 feet;

Thence, (L9) North 89°43'01" West 202.50 feet;

Thence, (L10) South 02°24'41" West 677.35 feet;

Thence, (L11) South 08°35'53" East 632.10 feet;

Thence, (L12) North 89°38'29" West 1797.54 feet;

Thence, (L13) South 00°47'31" West 1338.25 feet;

Thence, (L14) North 89°38'24" West 1313.03 feet;

Thence, (L15) North 00°14'42" East 1285.64

Thence, (L16) North 87°25'49" West 1310.32

Thence, (L17) South 00°56'36" West 1306.05

Thence, (L18) North 89°33'23" West 2647.08

Thence, (L19) North 01°13'09" East 2561.70 feet, to the Point of Beginning;

Containing 410.07 ±acres



### County of Yolo

www.yolocounty.org

**AUDITOR-CONTRÓLLER** 

RECEIVED

HOWARD H. NEWENS, CIA, CPA

AUDITOR-CONTROLLER and TREASURER-TAX COLLECTOR

APR 2 2 2009

**YOLO LAFCO** 

TREASURER-TAX COLLECTOR

PO BOX 1995 WOODLAND, CA 95776 PHONE: (530) 666-8625 FAX: (530) 666-8708

TO:

Elizabeth Kemper, LAFCO

FROM:

PO BOX 1268

WOODLAND, CA 95776

PHONE: (530) 666-8190 FAX: (530) 666-8215

April 20, 2009

Howard Newens, Auditor-Controller

By:

Sheryl Hardy, Deputy

SUBJECT:

Valuation/Tax transfer negotiation information- (LAFCO 909) Peart Annexation to Yolo County Resource Conservation District.

Pursuant to Revenue and Taxation Code 99 and related subsections, the County Assessor's Office provided this office with a list of the parcels and assessed values for those properties located within the boundaries of the proposed annexation to Esparto Community Service District. Utilizing the Assessor's information, the cash valuation and the property tax revenue estimate has been computed as follows.

The Cash Valuation is as follows:

TRA	Parcel	Acreage	Land	lmprvt	Unsec Value	Total Value	Levy
062-005	062-010-002-000	154.09	\$239,532	426,065	59,819	725,416	\$ 7,254.16
	062-010-003-000	117.75	\$197,790	382,567		580,357	\$ 5,803.57
	051-010-032-000	51.97	\$134,835	161,855		296,690	\$ 2,966.90
	051-010-033-000	84.1	\$222,529	250,190		472,719	\$ 4,727.19
Total		407.91	\$794,686	1,220,677	59,819	2,075,182	\$20,751.82

Listed below are the existing funds in 1% tax rate.

Assessed Value	2,075,182.00
	X .01 %
Tax	
Revenue	20,751.82

				Before	ERAF		After
TRA	FUND	FUND TITLE	DISTRIB %	ERAF	SHIFT	<b>NEW DIST %</b>	ERAF
062-005	110	County General Fund	0.44367467	9,207.06	(0.29173477)	0.15193990	3,153.03
062-005	120	County ACO Fund	0.01818421	377.36		0.01818421	377.36
062-005	140	County Library	0.04122067	855.40	(0.01404094)	0.02717973	564.03
062-005	151	County Road District #2	0.03232446	670.79	(0.00335479)	0.02896967	601.17
062-005	301	Capay Cemetery District	0.01393762	289.23	(0.00263118)	0.01130644	234.63
062-005	314	, Dunnigan Fire District	0.04140532	859.24	0.00624275	0.04764807	988.78
062-005	371	<ul> <li>Sacto-Yolo Mosq&amp;Vector Control</li> </ul>	0.01278627	265.34		0.01278627	265.34
062-005	221 S	ERAF	0.00000000	0.00	0.30551893	0.30551893	6,340.07
062-005	500 0430	- County Schools	0.04592972	953.13		0.04592972	953.13
062-005	595	Pierce Jt Unified	0.25019098	5,191.92		0.25019098	5,191.92
062-005	591	Yuba Community College	0.10034608	2,082.36		0.10034608	2,082.36
			1.000000	20,751.82		1.0000000	20.751.82

There will be a property tax loss or exchange for the Peart properties, as Yolo County Resource Conservation District is not included in the 1% tax distribution for the Tax Rate Area 062-005.

After review, it is recognized that this annexation is not compatible with any existing tax rate area. The Auditor's recommendation to accomplish this proposal would be to remove this property from tax rate area 062-005 and create a new tax rate area, which includes Yolo County Resource Conservation District.

Respectfully,

Sheryl Hardy, Deputy

HN:sh

Cc: Sharon Jensen, County Administrator

YCRCD