



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson
Planning Director

MEMORANDUM

TO: Honorable Board of Supervisors
FROM: Michael J. Johnson, Planning Director
DATE: November 25, 2008
SUBJECT: Placer - Yuba Counties: Proposed County Boundary Line Adjustment

ACTION REQUESTED: The Board of Supervisors is being asked to adopt a resolution setting the date, time and place of a public hearing on Yuba County's proposed boundary line adjustment (Exhibit A).

BACKGROUND: This item was considered and approved as a Consent Item at the Board of Supervisors November 4, 2008 hearing. However, it has since been determined that this item should be heard as a Department Item.

On June 21, 2005 Yuba County adopted Resolution No. 2005-87 (Exhibit B) declaring Yuba County's intent to consider a minor boundary adjustment between the County of Placer and the County of Yuba. The owners of the Bear River Hop Farm ("Hop Farm") are supportive of the Yuba County request and have joined Yuba County in requesting to relocate the boundary line between Yuba and Placer County. The proposed boundary line adjustment would unite the approximately 139 acres of the Hop Farm currently located in Placer County with the rest of the farm, located in Yuba County.

LOCATION: The Bear River Hop Farm is located southeast of the City of Wheatland with a portion of the property straddling the boundary between Yuba and Placer Counties (Exhibit C). The proposal includes APN 019-030-017, -019, -025, and 019-020-003, -004, -005, and 019-040-001, - 004.

GENERAL PLAN AND ZONING DESIGNATION: The property affected by the proposed county line adjustment is currently designated Agriculture 20-acre minimum on the Placer County General Plan Land Use Diagram and is zoned Farm 20-acre minimum (F-B-X-20 acre).

APPLICANT: County of Yuba; Edwin Palmeri, Assistant Planning Director

MINOR COUNTY LINE ADJUSTMENT PROCESS: The State of California has the ultimate control over the boundaries of all local governments and regional agencies. As such, the Legislature delegated power over city and district boundaries to the LAFCOs. For County boundary changes, however, the State has delegated jurisdiction to the Board of Supervisors of each County. As such, County Boards of Supervisors can independently adjust their boundaries by mutually agreeing to minor boundary changes.

The proposed minor County line adjustment must be made pursuant to the Uniform Procedure for County Boundary Changes found in Government Code Section 23200 as required by Section 1, Article XI of the California Constitution. There are six basic steps to complete the adjustment process which is outlined below.

Step 1 -- County Proposing Adjustment Adopts a Resolution. The Board of Supervisors of any County may propose a change in that County's boundary line with another County by first adopting a resolution which includes: (1) the reason(s) for the proposal; (2) the inclusion of a description of the new boundary line; (3) a statement on whether or not the new boundary line will be more than 5 miles from its original location; (4) a statement on whether or not the proposed new boundary line will reduce the area of any affected County by more than 5 percent; (5) a statement on whether or not the proposed new boundary line will reduce the population of any affected County by more than 5 percent; (6) a statement on whether or not the proposal affects inhabited territory; and (7) proposed terms and conditions to which the proposed boundary change shall be subject, including, but not limited to, the division of any County indebtedness or property.

Step 2 -- File Adopted Resolution. After the proposing County, in this case Yuba County, adopts the resolution referred to in step 1 above, the Board of Supervisors must then file its resolution with the affected County's (i.e., Placer County) Board of Supervisors for further action.

Step 3 -- Affected County Adopts Resolution. Upon receipt of the proposing County's resolution, the affected County must then adopt a resolution (within 30 days of receiving the proposing County's resolution) that sets a date, time and place for a public hearing on the proposed adjustment. The hearing must be scheduled no later than 30 days, but no more than 60 days from the date of adopted resolution which set the hearing. The hearing is required to be publically noticed in the newspaper. In addition a number of notices must be distributed including: 1) the County proposing the adjustment, 2) to each special district and school district associated with the affected territory, 3) to the local agency formation commission of each affected County, and 4) to each person who has filed a written request for special notice.

Step 4 -- Affected County Conducts a Public Hearing. The affected County will conduct a public hearing at which interested persons can provide oral or written testimony on the proposed County line adjustment.

Step 5 - Adopt Ordinance. Both the proposing County and the affected County must adopt substantially similar ordinances which approve the boundary adjustment. The ordinance must be adopted no later than 30 days after the public hearing. The ordinances must contain a declaration that the boundary change meets each of the conditions listed in the initial resolution (i.e., County line not moved more than 5 miles, will not reduce a County by more than 5 percent of its area, and will not reduce more than 5 percent of the population, etc.), outline any terms and conditions to which the boundary change is subject, and state the effective date of the change. The adoption of the ordinance may be by a simple majority.

Step 6 - File a Statement With The State Board of Equalization and Assessors. After a boundary adjustment is made, both Counties must file a statement with the State Board of Equalization and with each County Assessor with the legal description of the new boundary together with a map indicating the boundary of the affected Counties by the following December 1. The change of the boundary does not become effective for purposes of assessment or taxation unless the statement, together with the map or

plat, is filed with the assessors and the State Board of Equalization on or before December 1 of the year immediately preceding the year in which the assessments or taxes are to be levied.

PROJECT BACKGROUND: The Hop Farm is owned by Bear River Hop Farm, Inc., a corporation consisting of four members of a family who has owned the farm for several generations. While the majority of the Hop Farm property lies in Yuba County, a small portion of the Hop Farm lies in Placer County. Traditionally, the Bear River delineated the County lines, but along this section the Bear River has meandered to the south and a levee has been constructed, the result being that a portion of Placer County is located north of the Bear River. The Placer County portion of the farm lies immediately east of State Highway 65 and north of the Bear River levee containing approximately 139 acres.

In early 2005, Yuba County, with the landowner's consent, proposed to adjust the boundary between the two Counties based on the fact that the property has always been in contiguous ownership with the adjoining Yuba County parcels and is farmed as a unit with the rest of the Hop Farm. Additionally, the Placer County parcels can only be accessed by way of roads within Yuba County and planning for the area has traditionally been influenced and accomplished through the City of Wheatland.

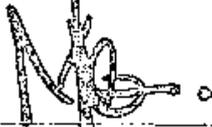
On June 7, 2005, the Yuba County Land Use and Public Works Committee considered the minor boundary adjustment with County Planning staff recommending the adoption of a resolution declaring the County's intention of adjusting the boundary. In 2006, the property was included as a part of the Wheatland General Plan Update study area and was incorporated into the General Plan's EIR, which classified the property an "area of interest." However, because of the location of the County line, the property cannot be annexed to the City at any time in the future. In 2008, the Yuba County portion of the Hop Farm was included in the proposed City of Wheatland's Johnson Rancho and Hop Farm Properties annexation. The Johnson Rancho project proposes to develop 4,069 acres with 14,329 residential lots.

On October 24, 2007, Placer County received correspondence from the property owner describing the proposed boundary line adjustment and history of the request. Based on the correspondence received, on March 7, 2008, staff from Placer and Yuba Counties as well as the property owner met to discuss the proposed adjustment. On September 25, 2008, Placer County received a certified copy of Yuba County's Resolution No. 2005-87 (Exhibit B).

This report has been prepared in order outline the boundary line adjustment process, provide a brief history on the request and as required by Uniform Procedure for County Boundary Changes, to adopt a resolution scheduling a public hearing on the requested adjustment (see Step 3 referenced above). Staff believes the proposed minor boundary line adjustment is limited in nature and scope. An additional detailed analysis will be prepared as part of the public hearing staff report (see Step 4 referenced above). Staff is proposing the public hearing be scheduled in at the Placer County Board of Supervisors Hearing Room (Exhibit A).

RECOMMENDATION: Staff brings forward the Yuba County resolution and recommends the Board of Supervisors adopt resolution (Exhibit A) that sets a date, time and place for a public hearing on the proposed county line adjustment.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Planning Director

ATTACHMENTS:

- Exhibit A - Resolution Setting County line Adjustment Public Hearing
- Exhibit B - Yuba County's Resolution No. 2005-87
- Exhibit C - Proposed County Boundary Line Change

Copies Sent by Planning:

- Jennifer Dzakowic - Planning Department
- Paul Thompson - Assistant Planning Director
- Loren Clark - Assistant Planning Director
- Allison Carlos - CEO Office
- Chuck Grant - Engineering and Surveying Division
- Jill Pahl - Environmental Health Services
- Bob Martino - Chief Building Official
- Bob Eicholtz - Emergency Services
- Gina Langford - Environmental Coordinator
- Scott Finley - County Counsel
- Karin Schwab - County Counsel
- Holly Heinzen - CEO Office
- John Marin - CDRA Director
- Braiden Chadwick - Downey Brand
- Ed Palmeri - Yuba County

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Before the Board of Supervisors
County of Placer, State of California

In the matter of:
A RESOLUTION TO SET A PUBLIC
HEARING ON YUBA COUNTY'S PROPOSED
BOUNDARY LINE ADJUSTMENT

Reso. No: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on November 25, 2008, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Jim Holmes, Chairman

Attest:

Ann Holman, Clerk of said Board

WHEREAS, the State of California, Government Code, Section 23200 permits county boards of supervisors to approve changes to the boundaries of their counties; and

WHEREAS, the State of California, Government Code, Section 23204 requires the board of supervisors of the county initiating a boundary line adjustment to file its resolution with the other affected county; and

WHEREAS, the State of California, Government Code, Section 23206(a) requires the affected county to adopt a resolution setting the date, time and place of a public hearing on the initiating county's proposal which shall be not less than 30 days nor more than 60 days from the date of adoption of the resolution setting the hearing; and

WHEREAS, Yuba County adopted Resolution No. 2005-87 declaring Yuba County's intent to consider a minor boundary line adjustment to reunite approximately 139 acres of the Bear River Hop Farm currently located in Placer County with the rest of the farm located in Yuba County; and

WHEREAS, Yuba County Resolution No. 2005-87 was filed with Placer County on September 25, 2008.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Placer, State of California, that a public hearing on Yuba County's proposed boundary line adjustment is set for _____, 200__ at _____ in the Board of Supervisors Chambers, Placer County Administrative Center, 175 Fulweiler Ave., Auburn, CA 95603.

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF YUBA, STATE OF CALIFORNIA

RESOLUTION OF THE BOARD OF
SUPERVISORS OF THE COUNTY OF YUBA,
CALIFORNIA, DECLARING THE INTENT TO
CONSIDER A MINOR COUNTY BOUNDARY
CHANGE BETWEEN THE COUNTY OF
PLACER AND THE COUNTY OF YUBA,
PURSUANT TO SECTION 23200 ET SEQ OF
THE GOVERNMENT CODE OF THE STATE OF
CALIFORNIA, FOR LANDS LYING EAST OF
STATE ROUTE 65, BETWEEN THE INSIDE TOE
OF THE BEAR RIVER NORTH LEVEE AND
THE CURRENT YUBA COUNTY BOUNDARY.

RESOLUTION NO. 2005-87

WHEREAS, the owners of property lying within both Yuba County and Placer County, said property lying east of State Route 65 and north of the Bear River, have expressed a desire to provide that their property is wholly within the County of Yuba, and,

WHEREAS, said property is described as all or portions of Placer County Assessor's Parcel Numbers 019-030-025 and 019-020-004, and,

WHEREAS, said property is artificially divided by the existing County boundary set by the former meander line of the Bear River which now runs within a defined channel south of the old meander line, and,

WHEREAS, the Government Code of the State of California provides for Minor Boundary Changes in County Boundaries, with the specific intent of correcting existing boundaries that "no longer meet the needs of residents and landowners" in Section 23200 and following sections.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Yuba does hereby:

1. Propose that the boundary between the County of Yuba and the County of Placer be changed to the inside toe of the Bear River north levee pursuant to Sections 23200 et. Seq. of the Government Code of the State of California.

2. State that the reasons for the proposal are to:
 - a. Establish a rational and visible boundary between the two counties;
 - b. Respond to the needs of the property owners whose lands are artificially split by the existing county boundary. The affected property is currently farmed as a unit with other contiguous ownership in Yuba County and receives its access by way of roads wholly within Yuba County;
 - c. Allow the County of Yuba and City of Wheatland to plan for those lands north of the Bear River as a logical unit.
3. Describe the proposed new boundary line as shown on "Exhibit A", attached hereto and incorporated by reference herein.
4. Report that the proposed new boundary line will be moved no more than a distance of 2,100 feet, significantly less than five miles from its original location.
5. Report that the proposed new boundary line will affect roughly seventy acres. Placer County contains 964,140 acres; the proposed reduction in size is less than 1/100 of 1 percent of the area of Placer County and will not reduce the area of Placer County by more than five percent.
6. Report that the proposed new boundary line will not reduce the population of Placer County by more than 5 percent, nor would it be considered inhabited territory, as defined by Section 23201(d) of the Government Code. The affected area is uninhabited as defined by Section 23201(d) and contains no population.
7. Propose no terms or conditions with this boundary change.

This Resolution is to be filed in a timely manner with the Board of Supervisors of the County of Placer, California.

Yuba County staff shall conduct, or cause to be conducted by others, the necessary fact gathering and analysis to permit the scheduling of a public hearing on this matter pursuant to Section 23206 et. Seq. of the Government Code. Costs for the necessary fact gathering and analysis shall be borne by the property owners.

PASSED AND ADOPTED this 21st day of June
2005, by the Board of Supervisors of the County of Yuba, by the following vote:

AYES: Supervisors Logue, Nicoletti, Griego, Schrader, Stocker

NOES: none

ABSENT: None

ABSTAIN: None



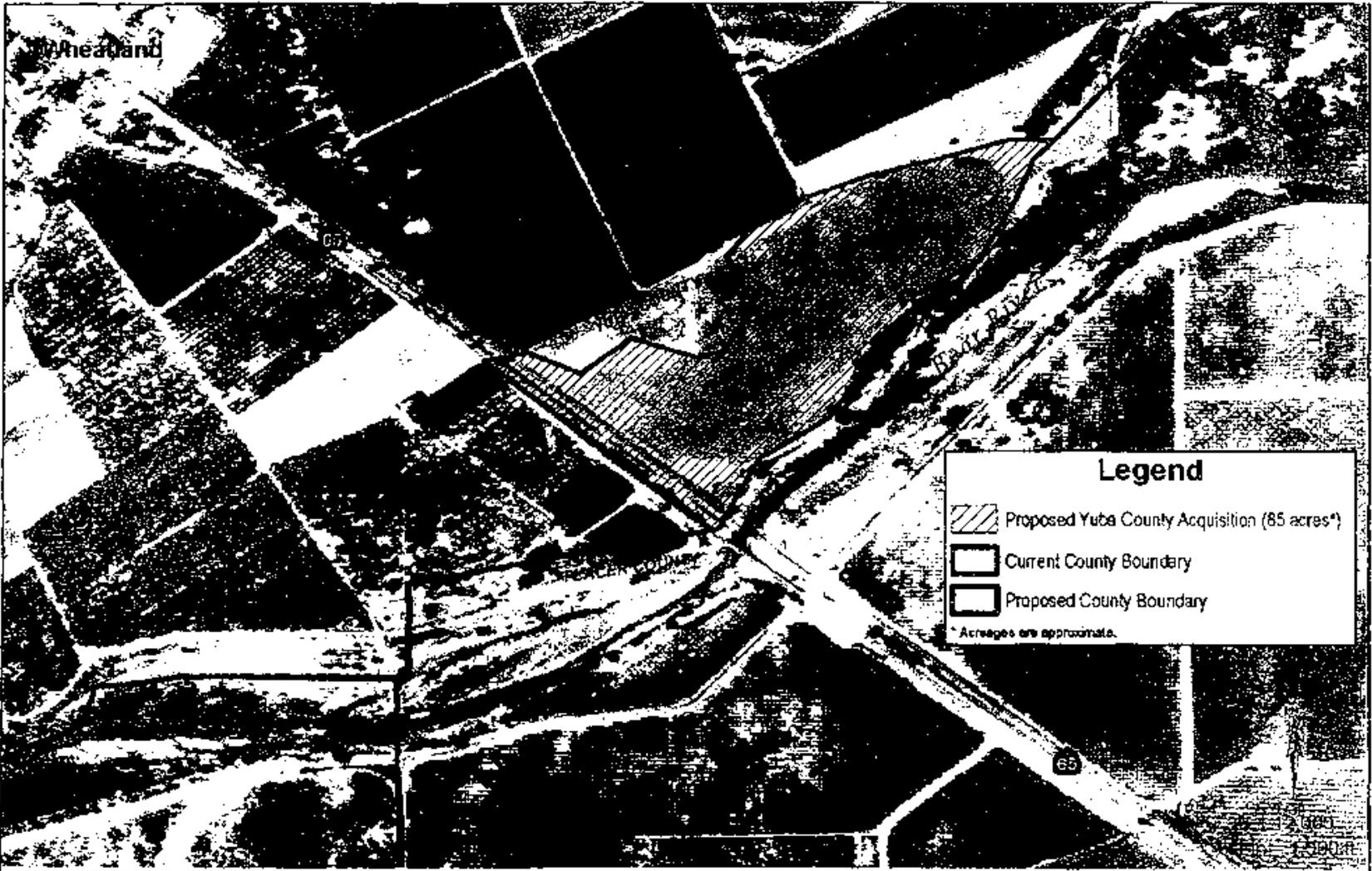
MARY JANE GRIEGO, Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS



APPROVED AS TO FORM: COUNTY COUNSEL
DANIEL MONTGOMERY





Source: SACOG, 2004; MSN TerraServer 00Q; Quad Knopf Inc., 2005.



**PROPOSED YUBA COUNTY
BOUNDARY ADJUSTMENT**

The foregoing instrument is a Correct Copy
of the original on file in this office
ATTEST: DONNA STOTTEMEYER
Clerk of the Board of Supervisors of the
County of Yuba, State of California

By Laura DeHazer, Deputy
Date: September 10, 2008

37.

Proposed County Boundary Line Change Between Placer and Yuba Counties

Legend

-  Proposed County Boundary
-  Existing County Boundary
-  Parcel

Existing County Boundary

Yuba County / City of Wheatland
Placer County

Proposed County Boundary

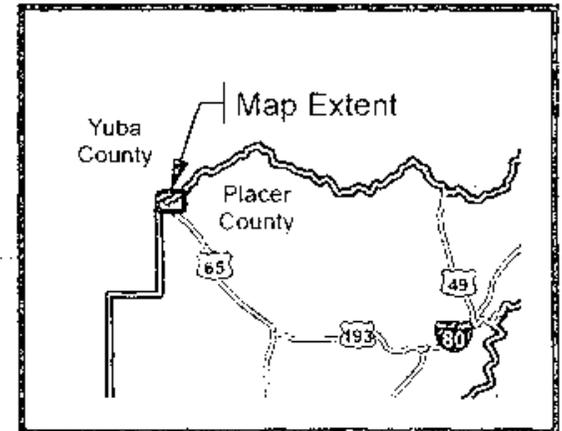
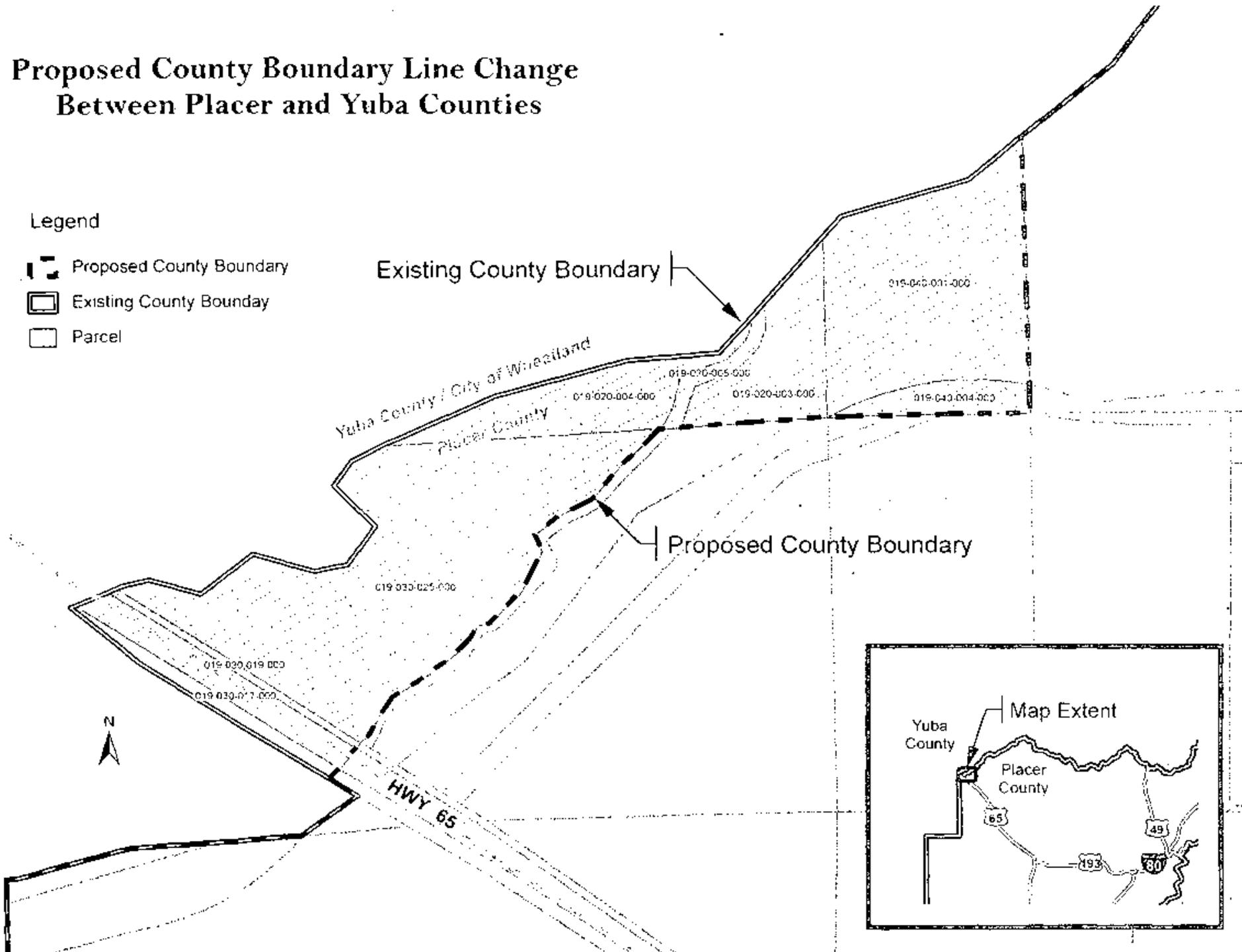


EXHIBIT C

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