



**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: January 13, 2009**

**SUBJECT: Placer - Yuba Counties: Proposed County Boundary Line Adjustment**

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**ACTION REQUESTED:** The Board of Supervisors is being asked to conduct a public hearing and to adopt an ordinance approving a boundary line change between Placer County and Yuba County to transfer real property from Placer County to Yuba County.

**BACKGROUND:** On June 21, 2005, Yuba County adopted Resolution No. 2005-87 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 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 Bear River Hop Farm currently located in Placer County with the rest of the farm which is located in Yuba County.

On November 25, 2008 the Board of Supervisors adopted Resolution 2008-356 in accordance with Government Code Section 23206 setting the date time and location for a public hearing to consider the boundary line change. A change is effectuated by the adoption of similar ordinances by both Placer County and Yuba County approving the new boundary.

**LOCATION:** The Bear River Hop Farm is located southeast of the City of Wheatland and straddles the boundary between Yuba and Placer Counties. See Exhibit A. The property to be transferred to Yuba County consists of APNs 019-030-017, -018, -020, 019, -025, -026, 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 authority as to changes in boundaries of all local governments and regional agencies. The power over city and district boundaries has been delegated to the Local Agency Formations Commissions. For

minor County boundary changes, however, the State has delegated jurisdiction to the Board of Supervisors. Boards of Supervisors have the discretion to independently adjust their boundaries by mutually agreement to minor boundary changes.

**PROJECT BACKGROUND:** While the majority of the Bear River Hop Farm property lies in Yuba County, a small portion of the farm lies in Placer County. Traditionally, the Bear River delineated the County boundary, but this section the Bear River has meandered to the south and a levee has been constructed, resulting in a portion of Placer County becoming 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, and contains 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 single unit. Additionally, the Placer County parcels can only be accessed by way of roads within Yuba County and planning for the area will be increasingly directly affected by activities of the City of Wheatland.

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. See Exhibit B.

On November 25, 2008 the Placer County Board of Supervisors adopted Resolution 2008-356 setting the date time and location for a public hearing to consider the boundary line adjustment request.

## **PROJECT ANALYSIS**

### Hop Farm Ownership

The Bear River 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. D.P. Durst, an ancestor of the current owners, planted the first hops in the Wheatland area on the property in 1874. While the vast majority of the Bear River Hop Farm property lies in Yuba County, a small portion of the Hop Farm lies in Placer County. The Placer County parcels have always been in contiguous ownership with the adjoining Yuba County parcels; are farmed as a unit with the rest of the Bear River Hop Farm; the Placer County parcels can only be accessed by Yuba County roads; and planning for the area has traditionally been influenced through the City of Wheatland. See Exhibit C. These properties are unimproved and uninhabited.

In addition to the Bear River Hop Farm, the boundary line adjustment request includes two parcels owned by Union Pacific Railroad. These properties run parallel to Highway 65 and have been included to eliminate a potential peninsula of Placer County from extending into Yuba County and to thereby create a regular boundary.

### City of Wheatland General Plan - Issues and Concerns

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 could not be annexed to the City. In 2008, the Yuba

County portion of the Bear River Hop Farm was included in the proposed City of Wheatland's Johnson Rancho and Hop Farm Properties annexation. The Johnson Rancho project proposes to ultimately develop 4,069 acres with 14,329 residential lots. While the balance of the Johnson Rancho project is not included in this proposal, the City's intentions to acquire additional Placer County area is clear as noted in their General Plan.

In staff's opinion this adjustment makes sense due to number of factors: 1) its limited scope (139 acres), 2) the consolidation of a property under common ownership, 3) access is limited to the Yuba side of the County line, and 4) compatibility with adjacent land uses in the City of Wheatland, and 5) suitable buffering (the Bear River floodplain) between potential future urban development in Wheatland and agricultural lands in Placer County.

However, staff does point out that our concurrence may not necessarily hold true over time should we receive additional requests for one or more adjustments upstream of the subject property. All such adjustments would be closer to the CEMEX sand and gravel operation, resulting in conflicts with residential uses encroaching on that important facility. Other concerns include the loss of viable agricultural land, loss of valley oak woodlands and the potential for access thru Placer County via Highway 65, the Wheatland portion of the Highway 65 Bypass or Camp Far West Road.

#### Important Farm Land

The proposed adjustment would move parcels indentified as Prime Farmland, Farmland of Statewide, Water, or Other Land pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, from Placer to Yuba County. The proposed adjustment would not affect the status of these parcels under the Farmland Program.

#### Special Districts

Special Districts in the area include: Western Placer Unified School District, and Placer County Water Agency. Special Districts in the area have been noticed of the proposed change.

#### Need for Monuments

County staff has reviewed the necessary legal description for the boundary line change, but it is not known whether the proposed new boundary has monuments set to allow for the boundary to be located in the future. The County Surveyor recommends the change be effective only after the monuments have been set. A condition is included in the proposed ordinance.

#### Required Findings (Government Code section 23202)

The following are required findings for the Board to approve the boundary line change:

- 1) The proposed transfer of the Bear River Hop Farm Property does not move the boundary line more than five miles from its original location.
- 2) The proposed transfer of the Bear River Hop Farm Property does not result in a reduction by more than 5 percent of the area of Placer County. It is only 139 acres.
- 3) The proposed transfer of the Bear River Hop Farm Property is uninhabited, and therefore does not result in a reduction of more than five percent of the population in Placer County.

**FISCAL IMPACT:** Minimum fiscal impact is expected as a result of the adjustment, as the annual taxes levied on the Hop Farm by Placer County are approximately \$1,300. The Union Pacific Railroad properties are exempt from taxes.

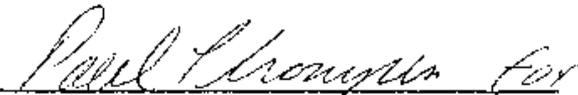
**CEQA COMPLIANCE:** Adjusting the boundary between the two counties is a discretionary action and is therefore subject to CEQA. Some potential uses of the property were identified in the 2006 EIR accompanying the Wheatland General Plan Update. The EIR did not actually plan specific land-use designations for the parcels because the property was outside the City's jurisdiction. However, the area at issue was considered an "area of interest" and was included in the overall environmental analysis.

In addition, because this minor boundary line adjustment does not have the potential for causing a significant effect on the environment, the common sense exemption applies. The project consists of moving a jurisdictional line as opposed to allowing new usage or development. If any development were to be proposed on the property, or if it were slated to be annexed into the City of Wheatland, additional environmental review would be required at that time. In instances such as this, a project not otherwise exempted by statute or under a category listed in the Guidelines may nonetheless be found to be exempt under CEQA Guidelines Section 15061(b)(3), the "common sense exemption".

**CEQA FINDING:** The adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that there is no possibility that the implementation of this ordinance may have significant effects on the environment.

**RECOMMENDATION:** Staff recommends the Board of Supervisors (1) hold a public hearing, (2) make the foregoing CEQA finding, and (3) adopt the ordinance to adjust the Placer/Yuba County boundary line in the form attached as Exhibit D.

Respectfully submitted,

  
MICHAEL J. JOHNSON, AICP  
Planning Director

**EXHIBITS:**

- Exhibit A - Vicinity Map
- Exhibit B - Yuba County's Resolution No. 2005-87
- Exhibit C - Property Ownership
- Exhibit D - Ordinance Approving A Minor County Boundary Adjustment Between Yuba and Placer Counties

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  
Holly Heinzen - CEO Office  
Braidon Chadwick – Downey Brand  
Ed Palmeri – Yuba County

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# Proposed County Boundary Line Change Between Placer and Yuba Counties

## Legend

-  Proposed County Boundary
-  Existing County Boundary
-  Parcel

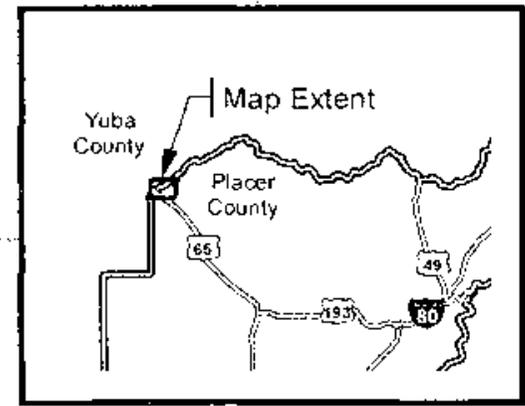
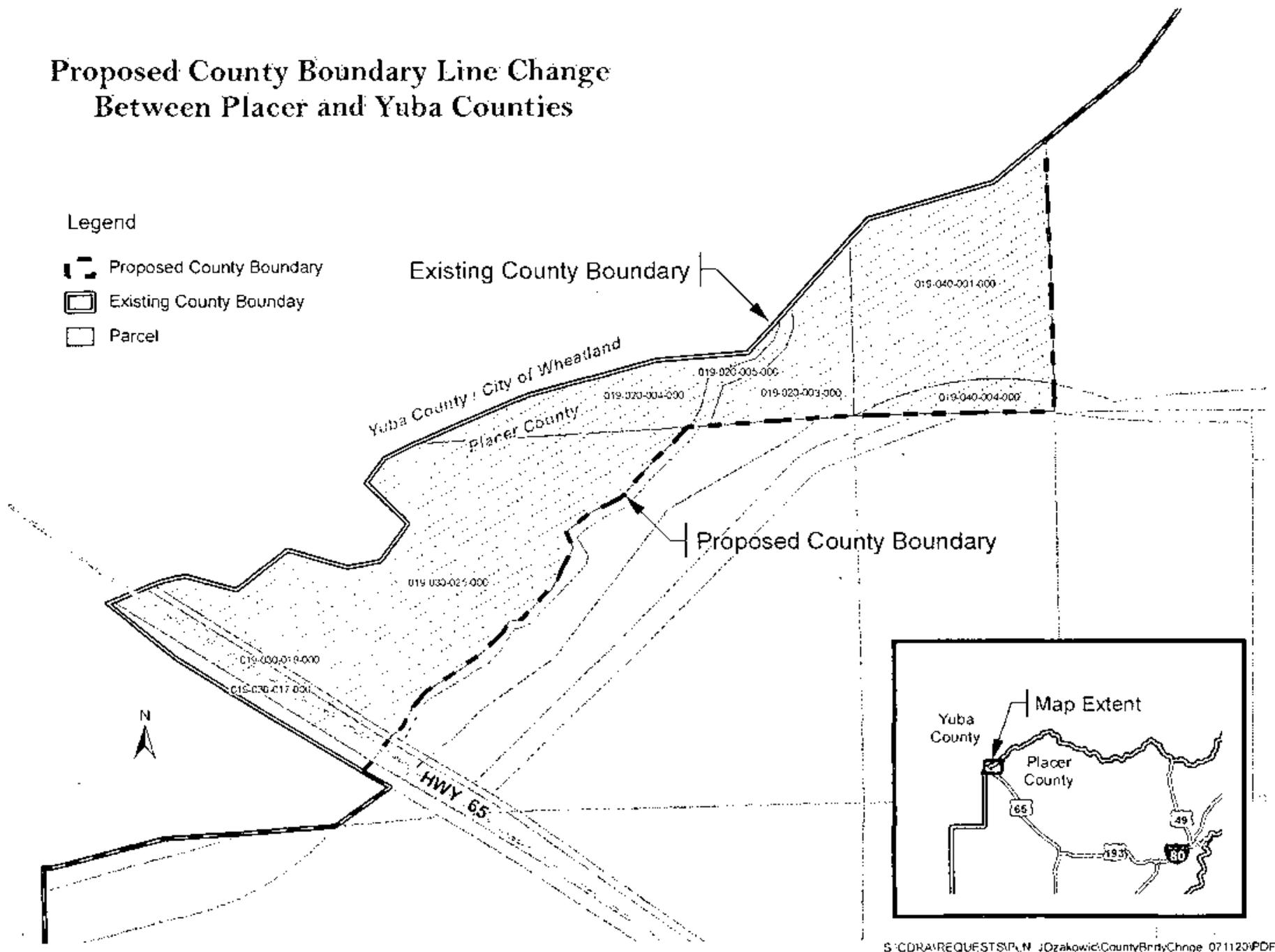


EXHIBIT A 20

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

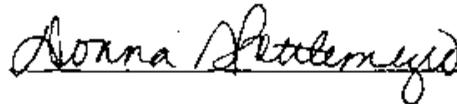
NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
MARY JANE GRIEGO, Chair

ATTEST: DONNA STOTTEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

  
\_\_\_\_\_

APPROVED AS TO FORM: COUNTY COUNSEL  
DANIEL MONTGOMERY

  
\_\_\_\_\_



# Proposed County Boundary Line Change Between Placer and Yuba Counties

## Legend

- Streams
- Proposed County Boundary Adjustment
- Hop Farm Ownership Yuba County
- Hop Farm Ownership Placer County
- Parcel
- City of Wheatland's Sphere of Influence
- Hop Farm Ownership Yuba County

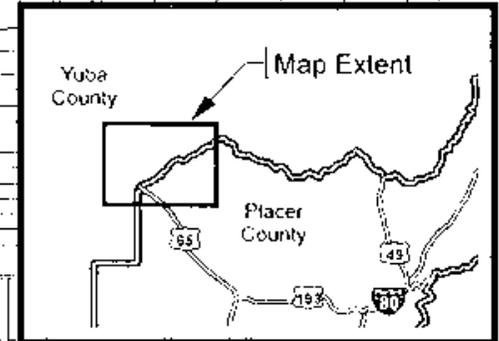
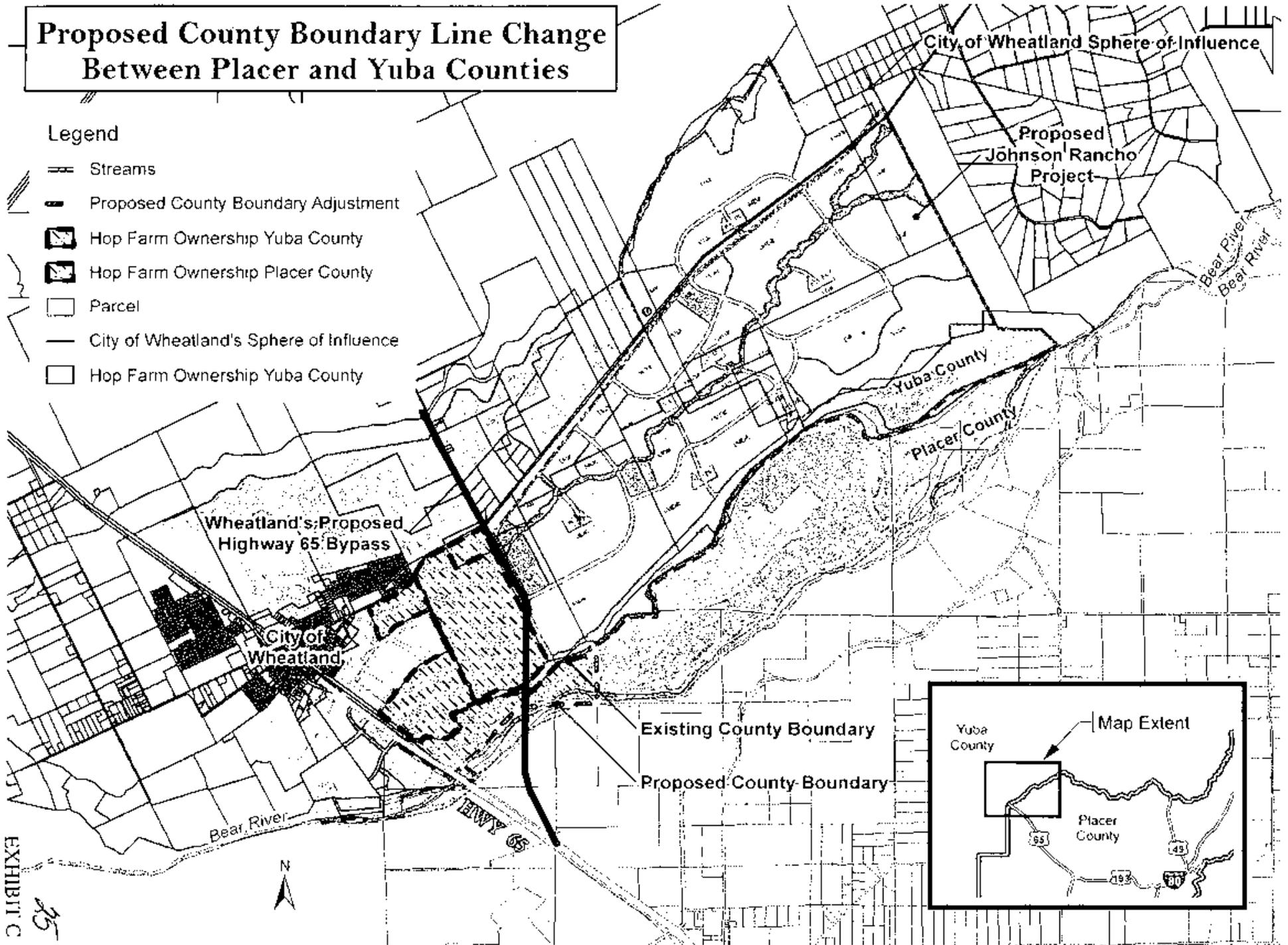


EXHIBIT C

25



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

**In the matter of: AN ORDINANCE  
APPROVING A MINOR COUNTY  
BOUNDARY ADJUSTMENT  
BETWEEN PLACER COUNTY  
AND YUBA COUNTY (BEAR RIVER HOP FARM)**

**Ordinance No. \_\_\_\_\_**

**The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held January 13, 2009, by the following vote:**

**Ayes:**

**Noes:**

**Absent:**

**Signed by me after its passage.**

\_\_\_\_\_  
**Chairman, Board of Supervisors**

**Attest:**

\_\_\_\_\_  
**Ann Holman  
Clerk of the Board**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER HEREBY FINDS THE  
FOLLOWING RECITALS ARE TRUE AND CORRECT:**

1. On June 21, 2005, Yuba County adopted Resolution 2005-87 declaring Yuba County's intent to consider a minor boundary line change between Yuba County and Placer County.
2. On January 13, 2009, the Board of Supervisors held a public hearing in accordance with Government Code Section 23208 to consider the request from Yuba County to transfer certain property from Placer County to Yuba County to thereby effectuate a change in the boundary between the two counties. Said public hearing was duly noticed in full compliance with Government Code Section 23207.
3. Having considered Yuba County Resolution 2005-87 and the recommendations of the Planning Department, and having received and considered all written and oral comments submitted thereon, the Board finds that the boundary line between Placer County and Yuba County may be changed to transfer from Placer County to Yuba County all of the real property described in Exhibit A, attached hereto and incorporated herein by reference (the "Bear River Hop Farm Property").

4. Pursuant to subsection (b) of Government Code Section 23210, the Board finds:
- a. The proposed transfer of the Bear River Hop Farm Property does not move the boundary line more than five miles from its original location;
  - b. The proposed transfer of the Bear River Hop Farm Property does not result in a reduction by more than 5 percent of the area of Placer County, as it is only 139 acres in size;
  - c. The proposed transfer of the Bear River Hop Farm Property is uninhabited, and therefore does not result in a reduction of more than five percent of the population in Placer County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:**

**Section 1:** The Bear River Hop Farm Property, as described in Exhibit A, may be transferred from Placer County to Yuba County.

**Section 2:** The boundary line between Placer County and Yuba County shall be revised and shall be as shown in Exhibit B, attached hereto and incorporated herein by reference.

**Section 3:** The boundary line change shall be subject to the following condition:

Monuments shall be set by the property owner of the Bear River Hop Farm Property to establish the physical location of the revised boundary line as shown in Exhibit B within one-hundred and eighty (180) days of the approval of this ordinance. The County Surveyor of Placer County shall be provided with all necessary survey information and notified when the monuments have been set. This condition shall be satisfied only after the County Surveyor field verifies the monument work.

**Section 4:** The Clerk is directed to publish a summary of this ordinance within fifteen (15) days in accordance with Government Code Section 25124.

**Section 5:** This ordinance shall take effect and be in full force and effect upon the later of : (1) thirty (30) days after its passage, or (2) written confirmation by the County Surveyor of Placer County to the Planning Directors of Placer County and Yuba County that monuments have been verified in accordance with Section 3, above (the "Effective Date").

**Section 6:** Within ten (10) days of the Effective Date of this ordinance under Section 5, above, the County Executive Officer, or his designee, is authorized and directed to record in Placer County a copy of this ordinance and then prepare for adoption by the Board of Supervisors an ordinance amending Placer County Code Section 1.08.030 to reflect the revised boundaries of Supervisorial District 2 based upon the changed boundary line and any other ordinance or code affecting the County boundary.

# JURISDICTIONAL BOUNDARY ADJUSTMENT

Geographic Description

## LEGAL DESCRIPTION

### EXHIBIT "A"

All that real property situated in the County of Placer, State of California being Lots 1 and 2 of the Northeast quarter of Section 3, and the Southwest quarter of the Northwest quarter and Lot 4 of the Northwest quarter of Section 2, and a portion of the South half of Section 3, all in Township 13 North, Range 5 East, Mount Diablo Meridian described as follows:

Beginning at the Northeast corner of that property granted to Bear River Hop Farm in document 2003-0123690, Official Records Placer County, being a point in the historical center of Bear River being the intersection of the Yuba-Placer county line with the northerly production of the east line of the Southwest quarter of the Northwest quarter of said Section 2; thence from said **Point of Beginning** leaving said County line, along the Easterly and Southerly boundaries of said Bear River Hop Farm property

- 1) Southerly, along said east line of the Southwest quarter of the northwest quarter to a point on the north line of the southwest quarter of said Section 2
- 2) Westerly along said north line to the one-quarter corner common to said Section 2 and Section 3
- 3) South 87°24'55" West a distance of 1012.00 feet along the north line of the south half of said Section 3 to the center line of the levee along the Northwesternly bank of the Bear River; thence along the centerline of the crest of said levee and said Bear River Hop Farm boundary as shown on that certain Record of Survey filed in Book 13 of Surveys, Page 88, Official Records Placer County the following courses and distances.
- 4) South 37°49'16" West a distance of 115.30 feet
- 5) South 48°02'48" West a distance of 378.02 feet
- 6) South 41°45'00" West a distance of 206.06 feet
- 7) South 63°26'21" West a distance of 82.98 feet
- 8) South 69°29'51" West a distance of 103.60 feet
- 9) South 57°34'09" West a distance of 108.44 feet
- 10) South 50°48'34" West a distance of 109.80 feet
- 11) South 28°42'45" East a distance of 145.08 feet
- 12) South 04°10'59" West a distance of 64.74 feet
- 13) South 43°33'32" West a distance of 565.14 feet
- 14) South 78°37'17" West a distance of 93.52 feet
- 15) South 31°06'58" West a distance of 192.63 feet
- 16) South 46°21'44" West a distance of 101.75 feet

**JURISDICTIONAL BOUNDARY ADJUSTMENT**  
Geographic Description

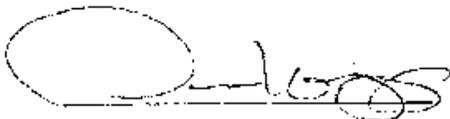
- 17) South 58°05'10" West a distance of 221.96 feet
- 18) South 59°51'15" West a distance of 227.01 feet
- 19) South 45°56'57" West a distance of 75.46 feet
- 20) South 25°33'21" West a distance of 285.70 feet
- 21) South 25°43'23" West a distance of 49.04 feet, more or less to the northeasterly right of way line of the Southern Pacific Railroad; thence leaving said Bear River Hop Farm boundary, as shown on said Record of Survey, along a line that is perpendicular to the railroad tracks
- 22) South 36°43'26" West a distance of 100 feet to a point that is 50 feet distant, measured at right angles, southwesterly from the centerline of the Southern Pacific Railroad tracks (formerly Central Pacific Railroad) on the southwesterly right of way line of the Southern Pacific Railroad said right of way being the current Placer-Yuba County Boundary per Document 2004-0091413, Official Records Placer County,
- 23) thence northwesterly along the line that is 50 feet distant, measured at right angles, Southwesterly from said railroad tracks to a point on the existing Placer-Yuba County line being the historic center of the Bear River; thence continuing in an Easterly direction along said existing County line to the point of beginning

The Basis of Bearings of this description is identical with that Record of Survey filed in Book 13 of Surveys, Page 88, Official Records Placer County

Containing 135 acres, more or less

End of Description

Description prepared by  
**MACKAY & SOMPS CIVIL ENGINEERS, INC.**  
1552 Eureka Road, Suite 100 Roseville, CA 95661



David W Kopp, PLS 4533  
License Expiration Date: 12-31-10

Date: 1-06-2009

