



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael J. Johnson, AICP  
Agency Director.

**PLANNING**

**MEMORANDUM**

**TO:** Honorable Board of Supervisors

**FROM:** Michael J. Johnson, AICP  
CDRA Director

**DATE:** February 24, 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 adjustment 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 line 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 requested 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 adjustment. A change is effectuated by the adoption of similar ordinances by both Placer County and Yuba County approving the new boundary. On January 13, 2009, the Board of Supervisors continued this item to February 24, 2009 in order to determine the appropriate location for the revised county line.

**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 1. The property to be considered for transfer 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 agreeing 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 (Exhibit 2).

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.

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. On January 13, 2009 the Placer County Board of Supervisors continued this request to the February 24, 2009 Board meeting to continue discussion with the property owner on the revised county line location. County staff and the applicant have continued to meet and discuss the appropriate location of the county line and have agreed to use the southerly toe of the north Bear River levee for the new county line. This would leave a portion of the Bear River Hop Farm within Placer County.

## **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 have 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 3. 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 (see Exhibit 3). 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.

#### Bear River Levee System

This section of the Bear River has two levees to provide flood protection (see Exhibit 4). The Northern levee is within Reclamation District No. 2103 (within Yuba County); the southern levee is within Reclamation District No. 1001 (within Placer County). RD 2103 has proposed the North Levee Rehabilitation Project, which proposes repairs to the northern levee that would protect the City of Wheatland's general plan area. Both levees are owned by the State of California and their respective reclamation districts maintain them. The entire southern levee (RD 1001) is within Placer County and a portion of the northern levee (RD 2103) is within Placer County. In this instance, the reclamation district boundaries do not follow County jurisdictional boundaries.

#### Reclamation Districts

Responsibility for creation of reclamation districts is the responsibility of counties that have levees in their jurisdiction. The State Reclamation Board monitors the districts, and if the board determines that the local district is not adequately maintaining its levee system, the state can take over the maintenance responsibilities by forming a separate maintenance area operated by the State Water Resources Department. Once the state has formed such a maintenance area, it assumes the responsibility for use and maintenance of the levees within the area's boundaries, while the levees themselves remain owned by the district or property owners that built the levees. Placer County would not be liable for levee maintenance and/or levee failure; this would be the responsibility of the reclamation district or the State. In addition, if the City of Wheatland approved development adjacent to the northern levee, the City is responsible for flood protection for its residence.

#### County Line Location / Need for Monuments

The existing county line follows the historical Bear River channel. The new county line will be located along the southerly toe of the north Bear River levee. Since this location has not been described or surveyed, an approximate location has been included with this staff report. Included in the ordinance is a condition to have monuments set at the southerly toe of the north Bear River levee. Then, if necessary a revised legal description will be provided. Depending on where the southerly toe is located, the new county line could affect small portions of the property to the south of the north levee owned by John Hancock, Mutual Life Insurance. However, this will not be known until the survey is completed.

In staff's opinion a limited adjustment makes sense due to number of factors: 1) its limited scope (72 acres), 2) the consolidation of a property under common ownership, and 3) compatibility with adjacent land uses in the City of Wheatland, and 4) 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 identified 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 District in the area include: Western Placer Unified School District, Reclamation Districts 1001 and 2103 and Placer County Water Agency. Special districts in the area have been noticed of the proposed change.

**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 5.

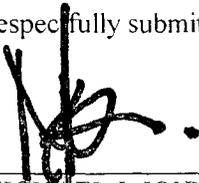
**FISCAL IMPACT:** Minimum fiscal impact is expected as a result of the adjustment, as the annual taxes levied on the Hop Farm by Placer County are approximately \$1,300. The Union Pacific Railroad properties are exempt from taxes.

**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.
- 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.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP  
Agency Director

Attached to this report for the Board's information/consideration are:

**ATTACHMENTS:**

- Exhibit 1: Vicinity Map
- Exhibit 2: Base Map with Aerial Bear River Hop Farm
- Exhibit 3: Proposed County Boundary Line Change between Placer and Yuba Counties  
Property Ownership Exhibit
- Exhibit 4: Preliminary 100 and 200 Year Floodplains Based Upon Best Available Data
- Exhibit 5: 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  
Braiden Chadwick – Downey Brand  
Ed Palmeri – Yuba County

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# Vicinity Map County Boundary Adjustment

City of Wheatland

Yuba County  
Placer County

Sheridan

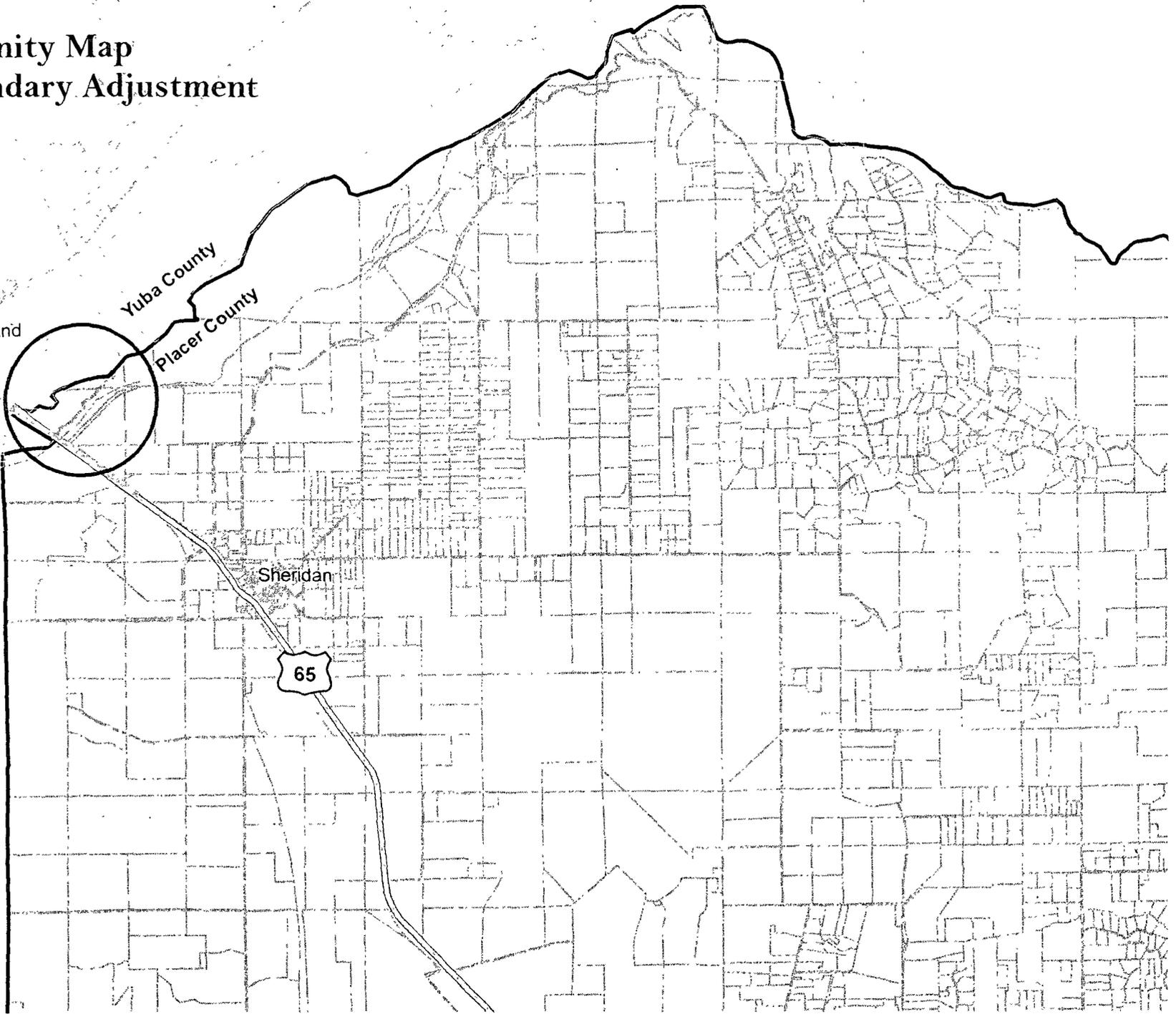
65

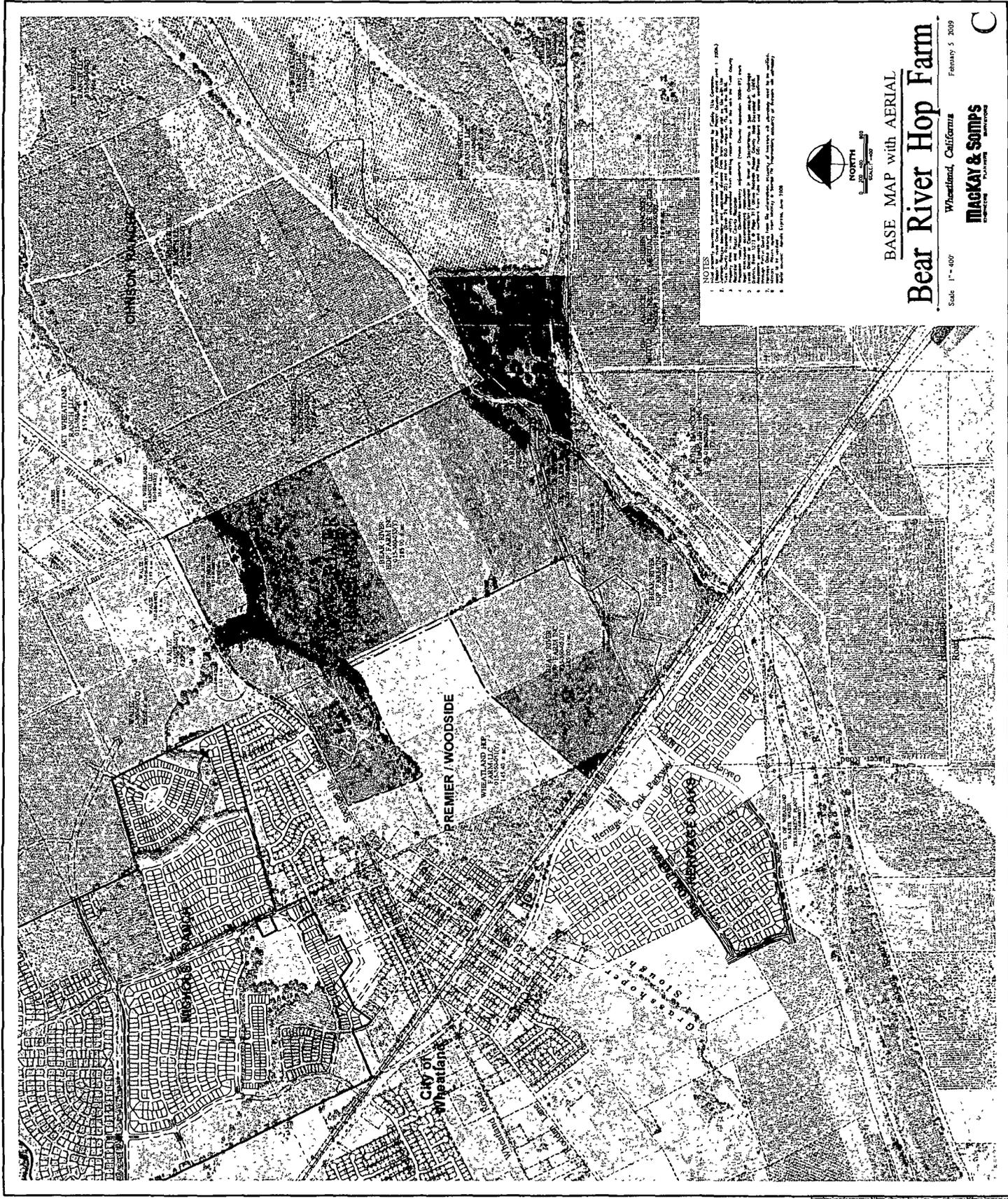
Legend

- Existing County Boundary
- Parcel



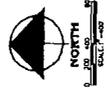
0 1 Miles





NOTES

1. This map was prepared from an aerial photograph taken on August 1, 1958.
2. The map shows the location of the proposed project and the existing streets.
3. The map shows the location of the proposed project and the existing streets.
4. The map shows the location of the proposed project and the existing streets.
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8. The map shows the location of the proposed project and the existing streets.
9. The map shows the location of the proposed project and the existing streets.
10. The map shows the location of the proposed project and the existing streets.



BASE MAP with AERIAL

# Bear River Hop Farm

Scale 1" = 400' Wheatland, California February 5, 2009

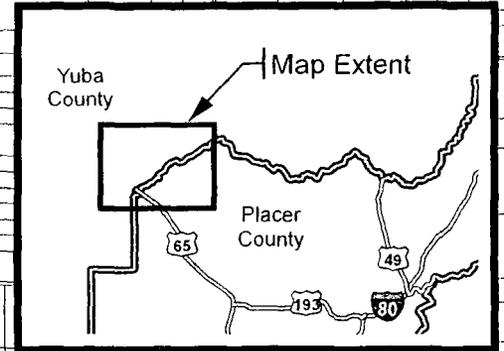
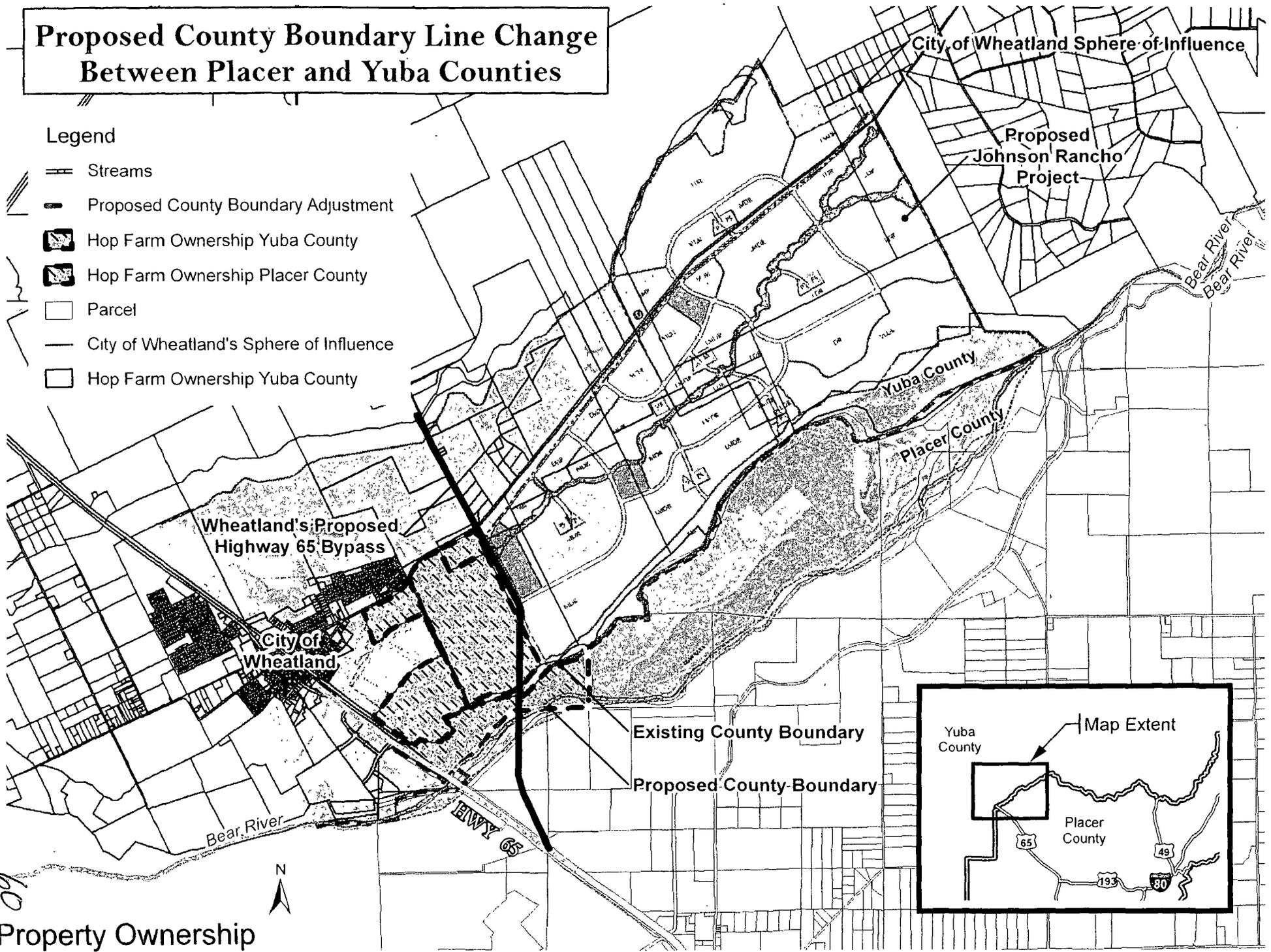
**Mackay & Samps**  
PLANNERS

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# Proposed County Boundary Line Change Between Placer and Yuba Counties

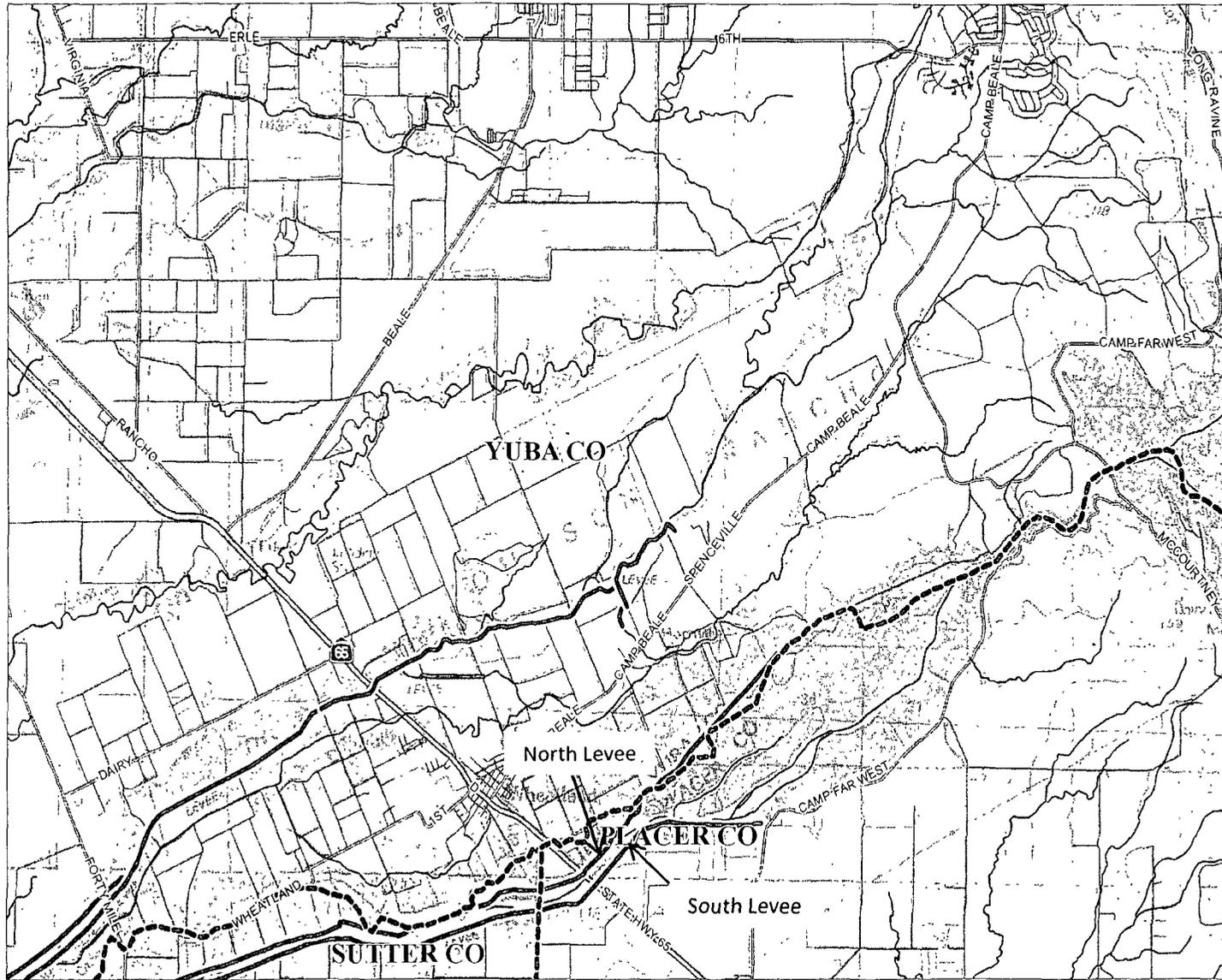
## Legend

- 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



60  
Property Ownership

# Preliminary 100- and 200-Year Floodplains Based Upon Best Available Data

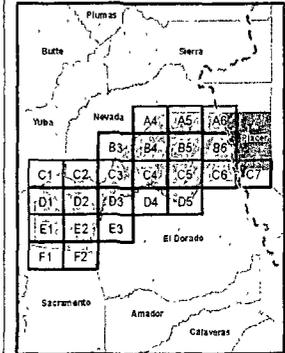


## LEGEND

- Project Levee Centerline
- Non-Project Levee Centerline
- River / Stream Centerline
- Sacramento-San Joaquin Valley Boundary
- County Boundary

- 100-Year Composite Floodplains
- FEMA Effective Floodplains
- Other Available Floodplains Data
- 200-Year Composite Floodplains
- Available Floodplains Data

In every case, the 200-Year Composite Floodplains incorporate the areas of the 100-Year Composite Floodplains



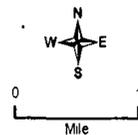
State of California  
Department of Water Resources

August 20, 2008



PAGE: C1

PLACER COUNTY



PLEASE REFER TO THE INTRODUCTION PAGES OF THIS MAP SET FOR LEGEND DEFINITIONS AND LIMITATIONS ON THE USE OF THE FLOODPLAIN INFORMATION SHOWN



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**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  
RELATED TO THE BEAR RIVER HOP FARM**

Ord. No. \_\_\_\_\_

The following ORDINANCE was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held February 24, 2009, by the following vote:

Ayes:  
Noes:  
Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chair  
Placer County 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, and February 24, 2009, the Board of Supervisors held public hearings 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 hearings were 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 as shown in Exhibit A and as preliminarily described in Exhibit B, both attached hereto and incorporated herein by reference, (the "Property"), which Property consists of a portion of property known as the Bear River Hop Farm

Property. It is the intent of Placer County that Placer-Yuba County boundary be established south of the southern toe of the northern levee of the Bear River as generally shown in Exhibit A

4. Pursuant to subsection (b) of Government Code Section 23210, the Board finds:
  - a. The proposed transfer of the Property does not move the boundary line more than five miles from its original location;
  - b. The proposed transfer of the Property does not result in a reduction by more than 5 percent of the area of Placer County;
  - c. The proposed transfer of the 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 Property as generally shown 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 consistent with the preliminary description in Exhibit B, as approved in final by the Placer County Surveyor in accordance with Section 3, below.
- Section 3. The boundary line change shall be subject to the following condition:

Monuments shall be set within one-hundred and eighty (180) days of the approval of this ordinance by the property owner of the Bear River Hop Farm Property to establish the physical location of the revised boundary line as generally shown in Exhibit A and generally described in Exhibit B, and a Record of Survey shall be prepared based thereon. The County Surveyor of Placer County shall be notified when the monuments have been set and provided with all necessary survey information. This condition shall be satisfied only after the County Surveyor has field verified the monument work and approved a legal description which is in accordance with an approved Record of Survey.
- 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 the conditions of Section 3, above, have been satisfied (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, with the legal description as approved by the County Surveyor pursuant to Section 3, above, attached hereto, 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  
(Subject to a Field Survey for Final Location)

## LEGAL DESCRIPTION

All that real property situated in the County of Placer, State of California being Lot 2 and a portion of Lot 1 of the Northeast quarter of Section 3, 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 a point in the Yuba / Placer County Line, being the Historic Center of the Bear River at its intersection with the southerly toe of the northern levee of said Bear River, from which point the East  $\frac{1}{4}$  corner of said Section 3 bears South  $29^{\circ}16'29''$  East a distance of 814' more or less, thence from said Point of Beginning along said southerly toe the following courses and distances:

1. South  $00^{\circ}44'44''$  East a distance of 136.01 feet;
2. South  $22^{\circ}33'36''$  West a distance of 130.00 feet;
3. South  $47^{\circ}53'26''$  West a distance of 206.04 feet;
4. South  $70^{\circ}04'46''$  West a distance of 279.63 feet;
5. South  $19^{\circ}36'36''$  West a distance of 249.56 feet;
6. South  $36^{\circ}48'36''$  West a distance of 36.79 feet;
7. South  $87^{\circ}24'55''$  West a distance of 43.15 feet;
8. South  $37^{\circ}49'16''$  West a distance of 115.30 feet;
9. South  $48^{\circ}02'48''$  West a distance of 378.02 feet;
10. South  $41^{\circ}45'00''$  West a distance of 206.06 feet;
11. South  $63^{\circ}26'21''$  West a distance of 82.98 feet;
12. South  $69^{\circ}29'51''$  West a distance of 103.60 feet;
13. South  $57^{\circ}34'09''$  West a distance of 108.44 feet;
14. South  $50^{\circ}48'34''$  West a distance of 109.80 feet;
15. South  $28^{\circ}42'45''$  East a distance of 145.08 feet;
16. South  $04^{\circ}10'59''$  West a distance of 64.74 feet;
17. South  $43^{\circ}33'32''$  West a distance of 565.14 feet;
18. South  $78^{\circ}37'17''$  West a distance of 93.52 feet;

# JURISDICTIONAL BOUNDARY ADJUSTMENT

Geographic Description  
(Subject to a Field Survey for Final Location)

19. South 31°06'58" West a distance of 192.63 feet;
20. South 46°21'44" West a distance of 101.75 feet;
21. South 58°05'10" West a distance of 221.96 feet;
22. South 59°51'15" West a distance of 227.01 feet;
23. South 45°56'57" West a distance of 75.46 feet;
24. South 25°33'21" West a distance of 285.70 feet;
25. thence continuing along said southerly toe 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 southerly toe along a line that is perpendicular to the railroad tracks
26. 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;
27. 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,
28. 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 77 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: \_\_\_\_\_



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**JURISDICTIONAL BOUNDARY ADJUSTMENT**  
Geographic Description  
(Subject to a Field Survey for Final Location)

