

YUBA LOCAL AGENCY FORMATION COMMISSION

Paige Hensley Executive Officer
John Benoit, Consultant Clerk-Analyst
David Ruderman, LAFCO Counsel
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YUBA LOCAL AGENCY FORMATION COMMISSION AGENDA REGULAR MEETING

Wednesday, September 4, 2024, at 6:00 P.M.
Board of Supervisors Chambers
915 8th Street – Marysville, California 95901

1. Call To Order:

A. Roll Call:

Commissioners

Kuldip Atwal, Public Member
Jon Messick, County Member
Brad Hudson, City Member **Chair**
Andy Vasquez, County Member
Rick West, City Member **Vice-Chair**

Alternates:

Seth Fuhrer, County Member Alternate
Dennis Pinney, Public Member Alternate
Angela Teter, City Member Alternate

2. Pledge of Allegiance:

3. Approval of Minutes:

A. Approval of special meeting minutes from the July 24th, 2024, meeting.

4. Public Comment

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 3

minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matters brought up under public comments for appropriate action at a future meeting.

5. **Action Items:**

A. **L AFC-24-0003/Bains/City of Wheatland Annexation:**

A request from the City of Wheatland to annex approximately 1.8 acres into the City of Wheatland. Project site is located at the north boundary of the City of Wheatland, at 1973 State Highway 65, Wheatland, CA. Parcel is known as Assessor Parcel Numbers 015-260-004.

Action:

1. *Adopt resolution no. 2024-10, approving L AFC24-0003/Bains annexation into the City of Wheatland.*

B. **Biennial Review of the Conflict of Interest Code for Yuba L AFCo**

Action:

1. *Review Conflict of Interest Code and authorize the Executive Officer to sign and transmit the Biennial Notice to the Clerk of the Code Reviewing Body.*

C. **Appoint New Voting Delegate for the CALAFCO Conference:** Due to a change in conference attendance appoint a new voting delegate to represent Yuba L AFCO at the Calafco Conference, October 16-18, 2024, at the Tenaya Lodge-Fish Camp.

6. **Executive Officers and Commissioners Reports:**

Update on pending projects.

7. **Adjourn to the next regular meeting on November 6th, 2024, at 6:00 pm**

Commissioners – Please contact your alternate if you are unable to attend this meeting.

Alternates are: City - Angela Teter
 County – Seth Fuhrer
 Public - Dennis Pinney

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.



Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 3 minutes. Time to address the Commission will be allocated on the basis of the number of requests received. If you would like an item placed on a future agenda, you may do so by contacting the Commission at (530) 749-5467.

Procedure for Public Hearing:

The public may address the Commission on each agenda item during the Commission's consideration of the item. When doing so, and when commenting on non-agenda items, we ask that the public kindly be recognized by the Chair before speaking, and to please keep their remarks brief. If several persons wish to address the Commission on the same item, or if any person's comments are excessive, the Chair may limit any person's input to 3 minutes. Written statements may be submitted in lieu of or addition to supplement oral statements made during a public hearing.

Accessibility

The telephonic/video meeting location is accessible to people with disabilities. Every reasonable effort will be made to accommodate participation of the disabled in all of the Commission's public meetings. If particular accommodations for the disabled are needed or a reasonable modification of the teleconference procedures are necessary (i.e., disability-related aids or other services), please contact the Clerk at (530) 749-5467 at least 24 hours in advance of the meeting. An interpreter for the hearing-impaired may be made available upon request to the Clerk 72 hours before a meeting.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Yuba LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 et seq. Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Late-Distributed Materials. Any material submitted to the Commission after this agenda is posted will be made available for public inspection as soon as possible in the LAFCO office, as indicated below.

Contact LAFCO Staff: LAFCO staff may be contacted at 530-749-5467 or by mail at Yuba LAFCo c/o Paige Hensley, Executive Officer, P.O. Box 2305, Marysville, CA 95901 or by email at phensley@co.yuba.ca.us .

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ACTION MINUTES
YUBA LOCAL AGENCY FORMATION COMMISSION
SPECIAL MEETING
July 26, 2024

1. CALL TO ORDER:

At 6:03 p.m. the Yuba County Local Agency Formation Commission (LAFCO) was called to order by the Chair Hudson, along with Commissioners Atwal, Vasquez, City Alternate Teter and County Alternate Messick were present. Commissioners Fuhrer, West and Public Alternate Pinney were absent. Also present were Executive Officer-Paige Hensley and Legal Counsel-Mackenzie Anderson.

2. PLEDGE OF ALLEGIANCE:

Commissioner Hudson led the commission in the Pledge of Allegiance.

3. APPROVAL OF MINUTES:

A. Approval of meeting minutes from June 26, 2024, special meeting.

Action: Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal, the Commission voted to approve the minutes from the June 26, 2024 meeting with the following 5 to 0 vote: **AYES:** Atwal, Hudson, Vasquez, County Alternate Messick and City Alternate Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West

4. PUBLIC COMMENT:

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 3 minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matter brought up under public comments for appropriate action at a future meeting.

There were no public comments.

5. PUBLIC HEARINGS:

A. LAFCO File 2023-0003/Lennar Homes/Rio Del Oro/CSA 66 Annexation:

A request from Lennar Homes for a Sphere of Influence Amendment and an annexation of approximately 93.13 acres of land into County Service Area (CSA) 66. The project area is

located along Algodon Road and the intersection of Plumas Lake Blvd Rd. Also known as APN's No. 016-040-111, -114, -118 thru 016-040-133.

Paige Hensley, Executive Officer, presented the staff report.

Public Hearing was opened.

There being no public comments, the Public Hearing was closed

Under one motion and a second, the following two actions were taken:

1. **Action:** Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal, the Commission unanimously voted to adopt Resolution No. 2024-06, approving the CSA66 Sphere of Influence Amendment with the following 5 to 0 vote: **AYES:** Atwal, Hudson, Vasquez, County Alternate Messick and City Alternate Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West and;
2. **Action:** Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal, the Commission unanimously voted to adopt Resolution No. 2024-07, approving the Rio Del Oro Annexation into CSA66 with the following 5 to 0 vote: **AYES:** Atwal, Hudson, Vasquez, County Alternate Messick and City Alternate Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West

B, LAFCO File 2023-0007/Lennar Homes/Rio Del Oro/OPUD Annexation:

A request from Lennar Homes for a Sphere of Influence Amendment and an annexation of approximately 25.416 acres of land into Olivehurst Public Utility District (OPUD). The project area is located along Algodon Road and the intersection of Plumas Lake Blvd Rd. Also known as APN's No's. 016-040-111, 016-040-126, 016-040-128, 016-040-129, 016-040-130.

Public Hearing was opened.

There being no public comments, the Public Hearing was closed.

Under one motion and a second, the following two actions were taken:

1. **Action:** Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal, the Commission unanimously voted to adopt Resolution No. 2024-08, approving the Sphere of Influence Amendment for OPUD, with the following 5 to 0 vote: **AYES:** Atwal, Hudson, Vasquez, County Alternate Messick and City Alternate Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West.
2. **Action:** Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal, the Commission unanimously voted to adopt Resolution No. 2024-09, approving the Rio Del Oro Annexation into OPUD with the following 5 to 0 vote: **AYES:** Atwal, Hudson, Vasquez, County Alternate Messick and City Alternate Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West

6. **ACTION ITEMS:**

Calafco Conference Action Items: (Continued from June 26th, 2024, meeting)

A. Calafco Annual Conference Tenaya Lodge Fish Camp Oct 16-18, 2024

Action: It was determined Commission Fuhrer would be going to the Annual Calafco Conference.

B. Nomination for the Calafco Board of Directors

Action: There were no nominations for the Calafco Board of Directors

C. Nomination for the Voting Delegate to represent Yuba LAFCO at the Calafco Conference

Action: Commissioner Fuhrer was nominated as the voting delegate for the annual Calafco Conference in Yosemite.

D. Nomination for Calafco Achievement Awards

Action: There were no nominations for the Calafco Board of Directors

7. **EXECUTIVE OFFICERS AND COMMISSIONERS REPORTS:**

A. Update on pending projects.

Paige Hensley, Deputy Executive Officer updated the commission on the following pending projects:

- State Highway 65/City of Wheatland Annexation
- Out of Agency Agreement for Bishops Pumpkin Farm

8. **ADJOURN TO THE NEXT REGULAR MEETING ON WEDNESDAY
SEPTEMBER 4, 2024.**

There being no further business, the meeting was adjourned at 6:22 p.m. to the next regular meeting on September 4^h, 2024, at 6:00 p.m. in the Board of Supervisors Chamber, at 915 8th Street, Marysville.

Approved,

Brad Hudson, Chair

ATTEST: PAIGE HENSLEY
EXECUTIVE OFFICER



By: Paige Hensley, Executive Officer

**YUBA LOCAL AGENCY FORMATION COMMISSION (LAFCO)
EXECUTIVE OFFICER'S REPORT**

DATE: September 4, 2024, Meeting
TO: YUBA Local Agency Formation Commission
FROM: Paige Hensley, Executive Officer
SUBJECT: Project No. LAFC-24-0003 – City of Wheatland/ Annexation

STAFF RECOMMENDATION:

Staff recommends the Commission approve the proposed annexation known as, project LAFC-24-0003, Bains/City of Wheatland annexation, consisting of approximately 1.8 acres annexing into the City of Wheatland, subject to the terms and conditions included in, and adopt Resolution 2024-10 (**Attachment 1**).

SUMMARY:

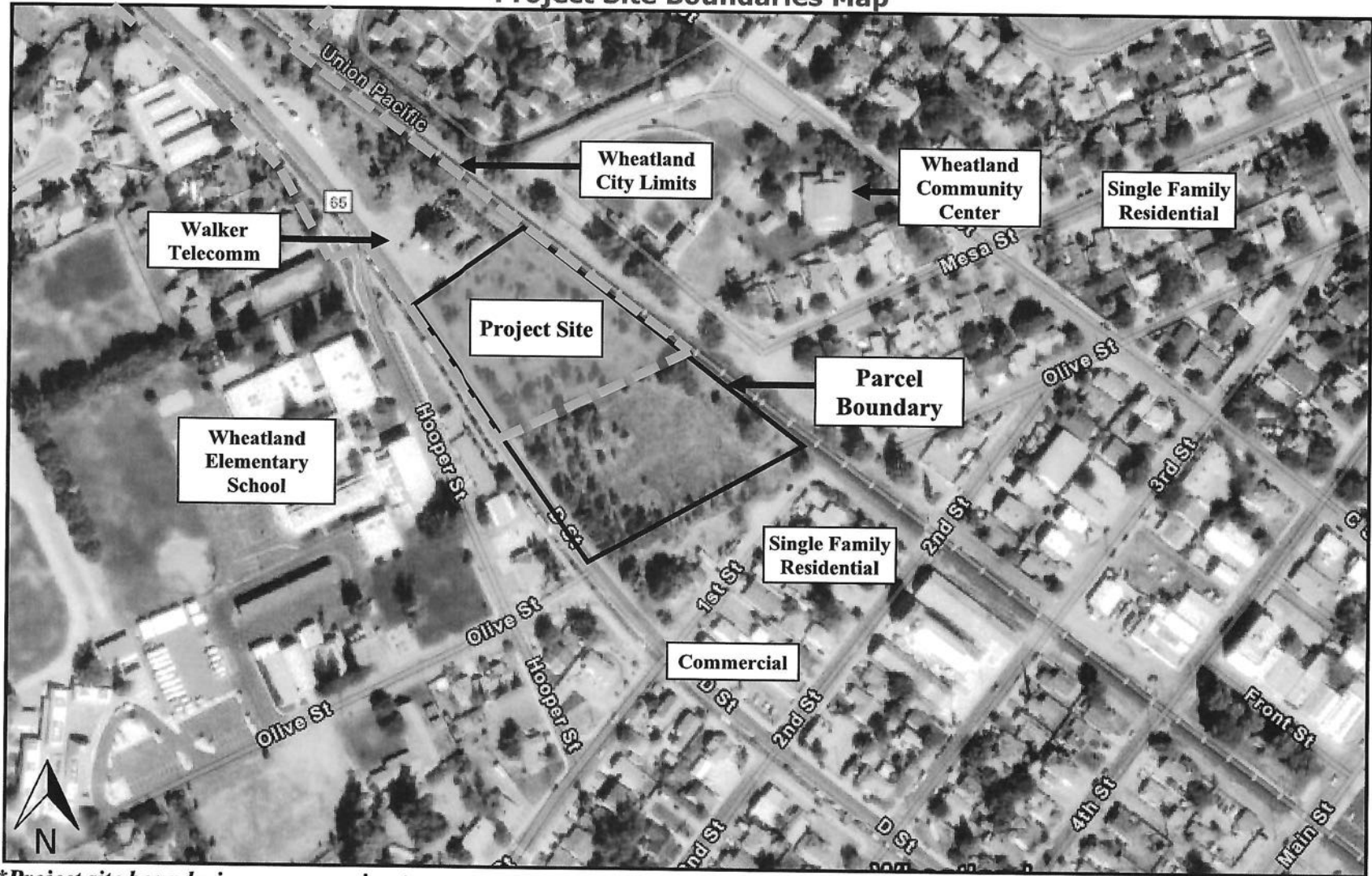
The City of Wheatland has submitted an application and initiating Resolution No. 42-23 (**Attachment 2**), to Yuba LAFCO, proposing the annexation of approximately 1.8 acres, into the City of Wheatland. A Plan for Services is included (**Attachment 3**). The proposed annexation area consists of a 1.8 acre site known as APN 015-260-004. The annexation area is within the unincorporated area of Yuba County, immediately north of the existing City of Wheatland boundary. The proposal area is located along the east side of the highway at 1973 State Highway Route 65. A regional location map reflecting the project area is included as Figure 1, on page 2 of this report.

It is worth noting, the 1.8 acre annexation area is part of a larger 3.84 acre parcel that is currently bisected by the Wheatland's city boundary. The 3.84 acre is split in two and each half is assigned its own APN and tax rate area number (TRAs). The proposed 1.8 acre annexation site (identified as APN 015-260-004) is located on the northern half of the larger parcel, in unincorporated Yuba County. The southern 2.04 acre portion (identified as APN 015-273-001) is already located within the City of Wheatland and therefore is not part of this projects request for annexation. (See figures 2 and 3, on page 3 and 4 of this report). The 1.8 acre annexation area is located within the adopted Sphere of Influence for the City of Wheatland.

Figure 1
Regional Location Map



Figure 2
Project Site Boundaries Map

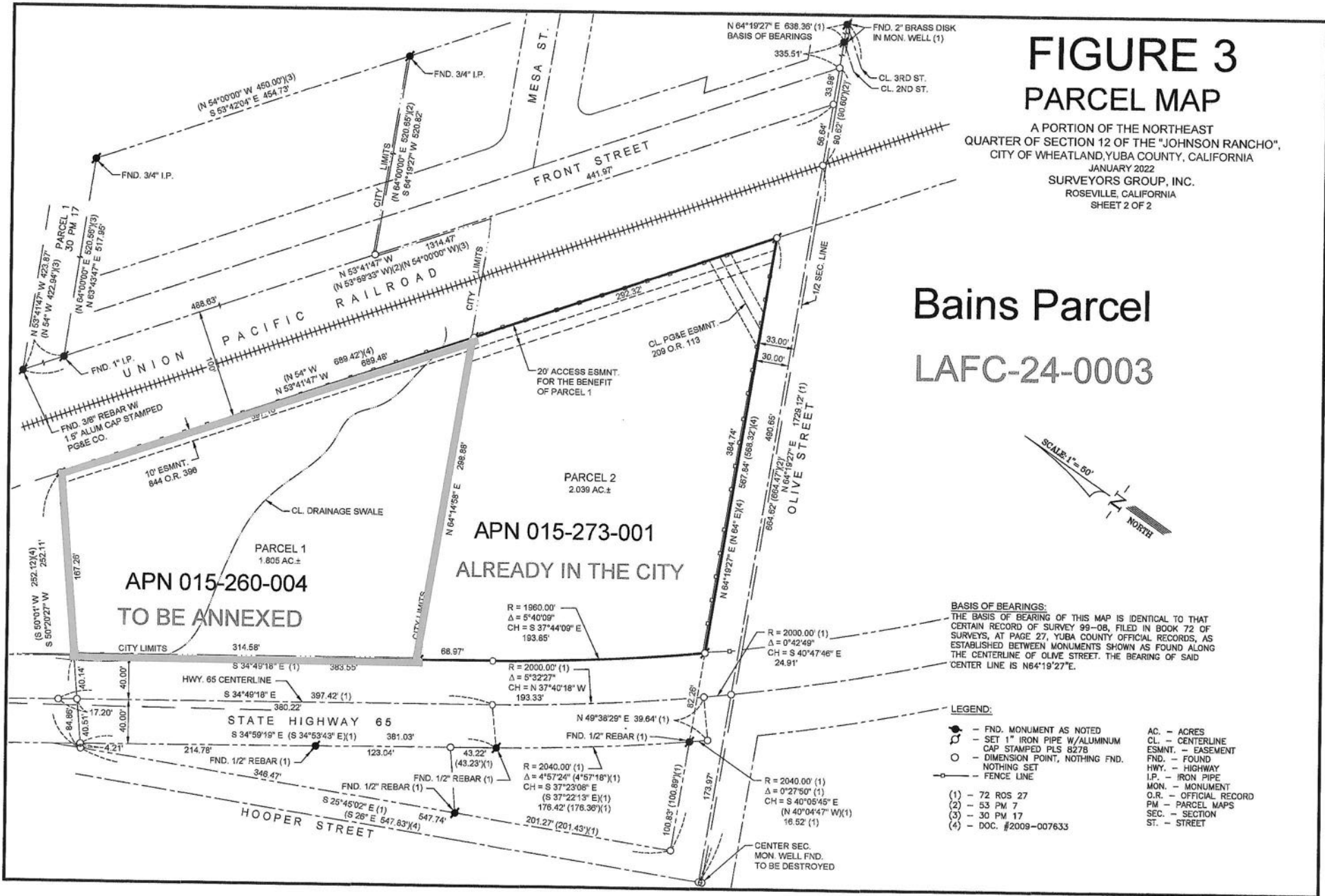
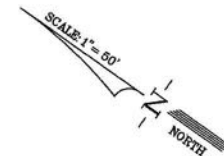


**Project site boundaries are approximate.*

FIGURE 3 PARCEL MAP

A PORTION OF THE NORTHEAST
QUARTER OF SECTION 12 OF THE "JOHNSON RANCHO",
CITY OF WHEATLAND, YUBA COUNTY, CALIFORNIA
JANUARY 2022
SURVEYORS GROUP, INC.
ROSEVILLE, CALIFORNIA
SHEET 2 OF 2

Bains Parcel LAFC-24-0003



BASIS OF BEARINGS:
THE BASIS OF BEARING OF THIS MAP IS IDENTICAL TO THAT CERTAIN RECORD OF SURVEY 99-08, FILED IN BOOK 72 OF SURVEYS, AT PAGE 27, YUBA COUNTY OFFICIAL RECORDS, AS ESTABLISHED BETWEEN MONUMENTS SHOWN AS FOUND ALONG THE CENTERLINE OF OLIVE STREET. THE BEARING OF SAID CENTER LINE IS N64°19'27"E.

- LEGEND:**
- - FND. MONUMENT AS NOTED
 - - SET 1" IRON PIPE W/ALUMINUM CAP STAMPED PLS 8278
 - - DIMENSION POINT, NOTHING FND.
 - - NOTHING SET
 - - FENCE LINE
- (1) - 72 ROS 27
(2) - 53 PM 7
(3) - 30 PM 17
(4) - DOC. #2009-007633

- AC. - ACRES
- CL. - CENTERLINE
- ESMNT. - EASEMENT
- FND. - FOUND
- HWY. - HIGHWAY
- I.P. - IRON PIPE
- MON. - MONUMENT
- O.R. - OFFICIAL RECORD
- PM - PARCEL MAPS
- SEC. - SECTION
- ST. - STREET

A geographical description, which describes and identifies the location in compliance with Yuba LAFCO and State Board of Equalization requirements is included as Exhibits A and B to the proposed LAFCO Resolution 2024-010 (**Attachment 1**)

BACKGROUND:

The City of Wheatland received a request from property owner Harpreet Bains to annex approximately 1.8 acres known as located at 1973 State Highway Route 65, Wheatland, CA and APN No. 015-0260-004. The City of Wheatland conducted a review of the project, prepared and approved an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring Program and subsequently adopted Wheatland Resolution No. 40-23 on November 14th, 2023, approving the initiation of this annexation with Yuba LAFCO. This application for annexation is made subject to GC § 56650 by the City of Wheatland.

On November 14, 2023, The City of Wheatland adopted Resolution No.42-23 (**Attachment 4**) approving a General Plan Amendment, amending the land use designation for the proposal area from Medium Density Residential to Commercial , and adopted City Ordinance No. 493, (**Attachment 5**) pre-zoning the proposal area as Heavy Commercial (C-3).

This annexation is consistent with the adopted policies, goals and objectives of the City's General Plan. This annexation will increase the city's possibility for future development and additional revenue for the City of Wheatland. Staff found no LAFCo issues associated with this proposal as it is consistent with the City's General Plan.

The proposal area is within the adopted Sphere of Influence for the City of Wheatland and is contiguous with the current City boundary. This proposal has 100% landowner consent, has no registered voters within the proposal area. This meets the definition of an "uninhabited territory", therefore the Commission may waive the public hearing requirement pursuant to GC § 56662.

PROJECT ANALYSIS:

As directed by CKH, under GC Section 56668 (a-q), the following Factors are to be considered in the review of a proposal.

The Commission's review shall include, but is not limited to consideration of these factors:

Factor	Analysis/Comment
<p><i>a. Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</i></p>	<p>The City has approved a General Plan Amendment which amended the Bains site from a land use designation of Medium Density Residential to Commercial and Pre-Zoned the project site with a City zoning designation of Heavy Commercial (C-3)</p> <p>Currently, the Yuba County General Plan designates the site as Natural Resources and the sites are zoned Agriculture (AE-40) by the County.</p> <p>Since the City of Wheatland is the principal jurisdiction, here the City's general Plan is applicable.</p> <p>The net value of the proposal area totals \$206,813 according to County Assessor records.</p> <p>The topography is flat and contains scattered trees.</p>
<p><i>b. The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.</i></p>	<p>There is a need for organized community services to serve the growth that will come to Yuba County in the years to come. As development occurs, the City of Wheatland will provide a full complement of services in the annexation territory. The city has prepared a plan for services which includes water distribution and sourced by water provided by the city, wastewater collection and treatment provided by the City, Police and roads in the City, Fire Protection through Wheatland Fire Authority. The Plan for Service (Attachment 3) and Justification Statement (Attachment 6) are included as attachments</p>

<p><i>c. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</i></p>	<p>The proposal area will be removed from the County's unincorporated area and be included within the City of Wheatland's incorporated service area. No negative effects of the proposed annexation are anticipated for adjacent areas or mutual social and economic interests.</p>
<p><i>d. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.</i></p>	<p>The annexation of the subject territory to the City of Wheatland is consistent with the planned, orderly, and efficient patterns of urban development within the adopted Spheres of Influence of the affected agencies. The annexation proposal is consistent with Yuba LAFCO policies that encourage proposals that result in urban development to include annexation to a city whenever possible and are consistent with the sphere of influence and municipal service review.</p>
<p><i>e. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.</i></p>	<p>The project site does not contain and is not located adjacent to agricultural uses. There is no new development plan for the Bains project site proposed as part of this project, therefore there is no proposed change to existing land use at this time. Any future development on the project sites is subject to subsequent environmental review and approval by the City.</p>
<p><i>f. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</i></p>	<p>The subject area is parcel specific, with definite and certain boundaries. The land is contiguous with the current City of Wheatland boundary. Worth noting, the 1.8 acre annexation site is part of a 3.84 acre parcel that is bisected into two parcels by the City of Wheatland/Yuba County boundary, resulting in two separate APNs. The annexation of this 1.8 acres (known as APN 015-260-004) into the City of Wheatland will resolve the issue and should allow the split lines of assessment to be corrected.</p>
<p><i>g. A regional transportation plan adopted pursuant to Section 65080.</i></p>	<p>The SACOG Metropolitan Transportation Plan (MTP) 2020 provides regional-scale, long-term planning, including policies and supportive strategies, for transportation in the region. The MTP has a principle to</p>

	<p>increase investment in funding for bicycle and pedestrian facilities and introduce the concept of “complete streets” designed for many types of users and modes together instead of favoring auto use only. Land use and environmental sustainability policies set forth in the MTP encourage locally determined developments to be designed with pedestrian, bicycle and transit as primary transportation considerations.</p>
<p><i>h. The proposal's consistency with city or county general and specific plans.</i></p> <p><i>i. The sphere of influence of any local agency that may be applicable to the proposal being reviewed.</i></p>	<p>The proposal is consistent with the City of Wheatland's General Plan, adopted in 2006 and as amended.</p> <p>The City of Wheatland adopted Resolution No. 42-23 approving a General Plan Amendment amending the land use designation from Medium Density Residential to Commercial for the Bains site.</p> <p>The City has Pre-Zoned the Bains site with a City zoning designation of Heavy Commercial (C-3).</p> <p>The proposed annexation territory is consistent with the Sphere of Influence for the City of Wheatland</p>
<p><i>j. The comments of any affected local agency or other public agency.</i></p>	<p>Comments were received from:</p> <ol style="list-style-type: none"> 1. County Assessor's Office informing LAFCO of the current bisected parcel. 2. Wheatland Fire Authority – The WFA Fire Chief has requested the annexation approval include a condition that City of Wheatland shall submit to WFA a request to review of all future proposed development applications prior to the project approval.
<p><i>k. The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the</i></p>	<p>Per Yuba County, the master tax sharing agreement between the City of Wheatland and the County applies as described in</p>

<p><i>sufficiency of revenues for those services following the proposed boundary change.</i></p>	<p>County of Yuba Resolution No. 2013-102 and City of Wheatland Resolution No.17-13</p>
<p><i>l. Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.</i></p>	<p>While the city has adequate domestic water supplies. It is its intention to continue the use of an on-site well in the interim until it is necessary to use city water to meet domestic water requirements and adequate fire flow requirements.</p>
<p><i>m. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</i></p>	<p>California Planning Law requires each city and county to have land zoned to accommodate a fair share of regional housing needs. The share is known as Regional Housing Needs Allocation (RHNA) and is based on a Regional Housing Needs Plan (RHNP) developed by Councils of Government.</p> <p>The City of Wheatland's 8 Year Housing Element (2021-2029) was adopted in 2021 and was revised in September 2023.</p> <p>Section 18.36.030 of the Wheatland Municipal Code does allow for Multifamily Residential (R3) use in the Heavy Commercial (C3) zoning area, upon approval of a Conditional Use Permit (CUP). Therefore, the eventual development of the pre-zoned site provides the City an opportunity to achieve its fair share of housing goals.</p>
<p><i>n. Any information or comments from the landowner or landowners, voters, or residents of the affected territory.</i></p>	<p>No comments have been received at this time.</p>
<p><i>o. Any information relating to existing land use designations.</i></p>	<p>The City of Wheatland adopted Resolution No. 42-23 approving a General Plan Amendment amending the land use designation from Medium Density Residential to Commercial for the Bains site.</p> <p>The City has Pre-Zoned the Bains site with a City zoning designation of Heavy Commercial (C-3).</p> <p>The current land use designation, as per the Yuba County General Plan, is Natural Resources (NR) and the zoning is AE-40</p>

<p><i>p. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.</i></p>	<p>The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups. The territory is not with a disadvantaged unincorporated community (DUC)</p>
<p><i>q. Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.</i></p>	<p>Not applicable.</p>

GENERAL POLICY CONSIDERATIONS:

General Policy Considerations

<i>Policy Consideration</i>	<i>Consistency/ Applicability</i>	<i>Comment</i>
<p>Communication Between Local Agencies. Yuba LAFCo has determined that an important part of its role is to encourage and promote communication and collaborative planning and studies between public agencies. (such as the County, Cities and special districts) members of the public, and service-providing members of the private sector such as water and electric.</p>	<p><i>Consistent</i></p>	<p>Environmental reviews are forwarded to LAFCO. LAFCO staff concurs with the City of Wheatland's environmental determination and adopted findings of the Lead Agency.</p>
<p>Urban Development: Yuba LAFCO will encourage proposals that promote urban development to include annexation to a city or district</p>	<p><i>Consistent</i></p>	<p>Proposal territory is being annexed to the City of Wheatland which is consistent with Yuba LAFCO's policy to</p>

where it is reasonable to do so, and to discourage proposals for urban development without annexation. Yuba LAFCo will also encourage cities and districts to annex lands that have been developed to urban levels, particularly areas that receive city or district services.		encourage urban development by annexing to a city.
Discouraging Urban Sprawl. LAFCO will normally deny proposals that result in urban sprawl.	<i>Consistent</i>	This project is being annexed to the City of Wheatland, therefore does not contribute to urban sprawl because it is contiguous to the city and in its sphere of influence.
Environmental consequences (CEQA) shall be considered.	<i>Consistent</i>	The City of Wheatland, as Lead Agency pursuant to CEQA, prepared and adopted a Mitigated Negative Declaration that analyzed the environmental impacts of the annexation of project property. The City's mitigated Negative Declaration found that the proposed annexation would have a less than significant environmental impact with the implementation of the mitigation measures recommended in the initial study. The City of Wheatland adopted the findings of the Initial Study (IS) and Mitigated Negative Declaration (MND), along with the Mitigation Monitoring and Reporting Program (MMRP) by Wheatland Resolution No. 40-23, at its meeting on November 14th, 2023. (Attachment 7)
LAFCO will consider the impact of a proposal on the regional supply of housing for all income levels.	<i>Consistent</i>	The annexation of this parcel will provide an area for development consistent with the City's General Plan and Housing Element.
LAFCO will favor proposals that promote compact urban form and infill development.	<i>Consistent</i>	The proposal area is contiguous to the City of Wheatland and with areas planned for urban development, as defined in the City of Wheatland's General Plan.

Government structure should be simple, accessible, and accountable.	<i>Consistent</i>	There is no indication of unnecessary complexity or lack of accessibility or accountability.
Agencies must provide documentation that they can provide service within a reasonable period of time.	<i>Consistent</i>	There is no specific development plan for this proposal area at this time, however the City of Wheatland has indicated they are willing and able to provide adequate services at time of development
Efficient services are obtained when proposals: <ul style="list-style-type: none"> • Utilize existing public agencies; • Consolidate activities and services; and • Restructure agency boundaries to provide more logical, effective, and efficient services. 	<i>Consistent</i>	This proposal is consistent with the City of Wheatland's capacity to provide for adequate services as outlined in their adopted General Plan. Such services include fire and police protection, water, sewer, road maintenance, schools, and general government services.
Adverse impacts on adjacent areas, social and economic interests and the local government structure must be mitigated.	<i>Consistent</i>	The Bains annexation area is located within the Sphere of Influence for the City of Wheatland and consistent with the Adopted General Plan. No adverse impacts are anticipated with this annexation.
Conformance with general & specific plans required.	<i>Consistent</i>	This project conforms to the adopted City of Wheatland's General Plan
Boundaries: <ul style="list-style-type: none"> • Definite boundaries are required. • Boundaries that are favored: <ul style="list-style-type: none"> Create logical boundaries & eliminate islands or illogical boundaries. Follow natural or man-made features and include logical service areas. • Boundaries that are disfavored: <ul style="list-style-type: none"> Split neighborhoods or communities. Result in islands, corridors, or peninsulas. Drawn for the primary purpose of encompassing revenue-producing territories. Create areas where it is difficult to provide services. 	<i>Consistent</i>	<p>This annexation creates a logical boundary. The annexation area is contiguous with the current City Boundary. This annexation does not split any communities, nor does it create an island.</p> <p>The 1.8 acre project site is part of a 3.84 acre parcel that is bisected into two parcels by the City of Wheatland/Yuba County boundary, resulting in two separate APNs. The annexation of this northern portion of 1.8 acres (known as APN 015-260-004) into the City of Wheatland will resolve issue and should allow the split lines of assessment to be corrected.</p>

<p>Revenue neutrality required.</p>	<p><i>Consistent</i></p>	<p>All tax exchanges shall be in accordance with Joint Resolution of the City Council of the City of Wheatland Resolution No. 17-13 and the Board of Supervisors of the County of Yuba, Yuba County Resolution No. 2013-102 (attached as Exhibit "C" of this staff report). for the territory to be annexed. Property tax increment: 50% of the County's share of the property tax will be transferred to the City of Wheatland for every fiscal year after completion of the annexation. There will be no changes with other agencies receiving a portion of the property tax dollar. After annexation, there will be a sales tax exchange of 12.5% of the sales tax received by the City from retailers in the <i>annexation area to the County</i>.</p>
<p>Agricultural and Open Space Land Conservation Standards:</p> <ul style="list-style-type: none"> • Must lead to planned, orderly & efficient development. • Approved Sphere of Influence Plan required. • Findings with respect to alternative sites required. • Impact on adjacent agricultural/open space lands assessed. • Agricultural Buffers. 	<p><i>Consistent</i></p>	<p>The annexation area is undeveloped with scattered trees. The project site does not contain, and is not located adjacent to Prime Farmland, Unique Farmland, or Farmland of State Importance. The Initial Study/Mitigated Negative Declaration prepared by the City of Wheatland, and approved by resolution 40-23 on November 14th, 2023, determined the impacts of development of the project site would be less-than-significant.</p>
<p>Need for services exists when:</p> <ul style="list-style-type: none"> • Public health and safety threat exists. • The residents have requested extension of non-growth-inducing community services. • Subject area is likely to be developed for urban use within 5 years. 	<p><i>Consistent</i></p>	<p>There is no current development plan for the proposal area at this time. There is no growth inducing development anticipated.</p>

<p>Exceptions are justified on the following grounds:</p> <ul style="list-style-type: none"> • Unique. • Standards Conflicts. • Quality/Cost. • No Alternative. 	<i>Consistent</i>	No exceptions to policy considerations are required.
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Annexation Policies—General

Policy	Consistency/ Applicability	Comment
Proposals must be consistent with LAFCO general policies.	<i>Consistent</i>	This annexation proposal is consistent with LAFCO general policies.
A proposal must be consistent with the agency's Sphere of Influence Plan.	Consistent	This area is in the SOI Boundary for the City of Wheatland
Plan for Services required.	Consistent	The City of Wheatland will provide required water, wastewater if a development plan is approved in the future. The City will provide fire and police services, along with road maintenance
<i>Subject territory must be contiguous to the agency's boundaries if required by law, or if necessary for efficient service delivery.</i>	<i>Consistent</i>	The project area is contiguous with the City of Wheatland's boundary.
<i>Piecemeal annexations are prohibited.</i>	<i>Consistent</i>	The annexation area is contiguous with the City of Wheatland boundary. This annexation provides for logical and orderly growth within the city of Wheatland.
Annexations to eliminate islands are encouraged and normally are approved	N/A	
Annexations that create islands are discouraged and not normally approved	N/A	
Full service array is considered. Proposals that facilitate the delivery of one or a few services to the detriment of the delivery of a larger number of services are not favored.	Consistent	The annexation is for all services provided by the City of Wheatland.
Adverse impact of annexation on other agencies or service recipients is cause for denial.	Consistent	There are no adverse impacts on other agencies or service recipients found as a result of this annexation. improvement projects should be required.

ADDITIONAL INFORMATION:

Existing and Proposed Service Agencies:

<u>Service:</u>	<u>Existing Provider:</u>	<u>Proposed Provider:</u>
School Districts	N/A	Wheatland School District and Wheatland Union High School District
Fire Protection	Plumas Brophy Fire (WFA) under JPA with Wheatland Fire Authority	City of Wheatland under JPA with Wheatland Fire Authority (WFA)
General Government	Yuba County	City of Wheatland
Police Protection	Yuba County Sheriff	Wheatland Police Department
Off-site Drainage and Flood Control	Yuba County	City of Wheatland
Domestic Water	Private Well	City Water
Sewer	N/A - Septic	City of Wheatland
Street Lighting	None	City of Wheatland
Road/Street Maintenance	Yuba County	City of Wheatland
Solid Waste	Recology	Recology

Tax Sharing Agreement:

Pursuant to Revenue and Taxation Code section 99(b) the City of Wheatland and the County of Yuba have entered into a Master Tax Exchange Agreement by adopted County of Yuba Resolution No. 2013-102 and City of Wheatland Resolution No. 17-13, September 23rd, 2013. (Attachment C to this report)

Compliance with California Environmental Quality Act (CEQA):

Lead Agency: City of Wheatland
Responsible Agency: Yuba LAFCO
Environmental Finding: Mitigated Negative Declaration
Date of Finding: November 14, 2023

The City of Wheatland, as Lead Agency pursuant to CEQA, prepared and adopted a Mitigated Negative Declaration that analyzed the environmental impacts of the annexation of project property. The City's mitigated Negative Declaration found that the

proposed annexation would have a less than significant environmental impact with the implementation of the mitigation measures recommended in the initial study. The City of Wheatland adopted the findings of the Initial Study (IS) and Mitigated Negative Declaration (MND), along with the Mitigation Monitoring and Reporting Program (MMRP) by Wheatland Resolution No. 40-23, at its meeting on November 14th, 2023.

COMMENTS RECEIVED FROM :

County Auditor
County Assessor
County Administrator
Wheatland Fire Authority Chief Paquette

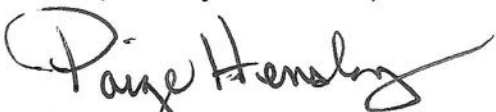
CONCLUSION:

The proposed annexation represents a positive step forward for the City of Wheatland to plan for future growth in a logical and orderly way. The proposal conforms to the Yuba LAFCO policy and the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000. Based upon findings and determination in this report, staff recommends approval of this proposal.

Recommended Action:

Approve the proposed annexation known as LAFC-24-0003, Bains/City of Wheatland annexation, consisting of approximately 1.8 acres into the City of Wheatland, and adopt Resolution 2024-10, subject to recommended terms and conditions.

Respectfully Submitted,



Paige Hensley, Executive Officer

ATTACHMENTS:

- Attachment 1 - LAFCO Resolution No. 2024-10 with Exhibit A & B & C; the Map and Geographical Description, County of Yuba Resolution No. 2013-102 and City of Wheatland Resolution No. 17-13 Master Tax Exchange Agreement
- Attachment 2 - City of Wheatland Resolution No. 41-23 Initiating Resolution
- Attachment 3 - Plan For Services
- Attachment 4 - City of Wheatland Resolution No. 42-23 – General Plan Amendment
- Attachment 5 - City Ordinance 93 – 1973 State Route 65/Bains Pre-zoning
- Attachment 6 - Statement of Justification
- Attachment 7- City of Wheatland Resolution No. 40-23 IS/MND/MMP

BEFORE THE LOCAL AGENCY FORMATION COMMISSION

COUNTY OF YUBA, STATE OF CALIFORNIA

IN RE:

RESOLUTION MAKING DETERMINATIONS)	RESOLUTION NO. 2024-10
AND APPROVING THE HARPREET BAINS)	
1.8 ACRE ANNEXATION TO THE CITY OF)	
WHEATLAND/1973 STATE HWY ROUTE 65.)	
(PROJECT APPLICATION NO. LAFC-24-0003)	

WHEREAS, a resolution making application for the annexation of 1.8 acres into the City of Wheatland, as described and depicted in Exhibits “A” and “B”, attached hereto and incorporated herein as referenced, was filed with the Executive Officer of the Yuba County Local Agency Formation Commission pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 *et seq.* of the California Government Code); and

WHEREAS, on August 7, 2024, the Executive Officer filed a Certificate of Filing to accept and consider the proposal for the Harpreet Bains annexation (LAFC-24-0003) to the City of Wheatland; and

WHEREAS, the City of Wheatland agrees to provide water, wastewater, police, fire (through a joint powers agreement with the Plumas-Brophy Fire Protection District), recreation, and all other city services; and

WHEREAS, all interested parties and proponents of the proposal were heard at a public meeting held September 4, 2024.

WHEREAS, the Executive Officer reviewed the application and determined its completeness within thirty (30) days of submission and prepared and filed his report with this Commission at least five (5) days prior to the regularly scheduled meeting during which this application is to be considered; and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed annexation, including the application, the report of the Executive Officer, the environmental documents or determinations, applicable General and Specific Plans and Sphere of Influence of the City of Wheatland, LAFCo’s adopted policies and each of the factors required by Government Code Section 56668 to be considered in the review of a proposal; and

WHEREAS, as Lead Agency the City of Wheatland prepared and certified Mitigated Negative Declaration and Mitigating Monitoring Program on November 14th, 2023, pursuant to the requirements of the California Environmental Quality Act (Section 21000 *et seq.* of the Public Resources Code). The Initial Study/Mitigated Negative Declaration determined there would be

less than significant impacts with mitigation incorporated associated with the annexation. LAFCo is a Responsible Agency under this environmental document. ; and

WHEREAS, the Commission finds, based on the information submitted and received prior to and at the public meeting, that the environmental document is adequate for approving this annexation; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the affected territory have given their written consent for the proposal; and

WHEREAS, all interested parties and proponents of the proposal were heard at a public meeting held on September 4, 2024.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Yuba Local Agency Formation Commission as follows:

1. The foregoing recitals are true and correct.
2. That the territory is found to be uninhabited pursuant to Section 56079.5 of the California Government Code, and
3. The subject proposal is assigned the follow designation: **L AFC-24-0003, Annexation to the City of Wheatland.**
4. The purpose of the annexation is to provide more areas for development, and additional jobs and revenue for the City of Wheatland.
5. In reviewing this application, the Commission finds that all property owners and agencies in said territory have been given proper notice regarding this change of organization.
6. In reviewing this application, the Commission finds that all property owners in said territory consent to the annexation to the City of Wheatland and the subject agency has not submitted written opposition to a waiver of protest proceedings.
7. In reviewing this application, the Commission finds that there will not be a duplication of other powers provided by any other special district.
8. Further protest proceedings are waived, and the Commission orders the 1.8-acre annexation to the City of Wheatland pursuant to Part 4 of Division 3 of the California Government Code commencing with Section 57000. Since satisfactory proof has been given that the subject territory is uninhabited, that all landowners within the affected territory have given their written consent to the proposal and all affected agencies have not objected in writing to the waiver of conducting authority proceedings (Section 56662 of Government Code). Therefore, the Commission does hereby approve and authorize

the conducting authority to annex the territory described in Exhibit "A" to the City of Wheatland without notice and election.

9. In reviewing this application, this Commission has considered each of the factors required by California Government Code Section 56668 and LAFCO's policies and finds that each factor has been adequately analyzed by documents within the record before the Commission, including but not limited to the Bains/1973 State Route 65 Wheatland Annexation Mitigated Negative Declaration Report.
10. The Executive Officer's Report and recommendation for approval of this proposal is hereby incorporated by reference and adopted.
11. The map and boundary description shall comply with the State Board of Equalization requirements. The geographic description and map, if rejected by the State Board of Equalization or amended by LAFCo, will be revised at the expense of the applicant. The Geographic Description and Map must contain the following information prior to the recording of the Certificate of Completion: LAFC-24-0003 Bains/1973 State Highway Route 65 Annexation to the City of Wheatland.
12. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved and are described in Exhibit "A" - Geographic Description and "B" - and Map, attached hereto and incorporated herein to the terms and conditions included.
13. The boundaries of the Plumas-Brophy Fire Protection District shall remain unchanged by this annexation.
14. The boundaries of the affected territory are found to be definite and certain.
15. As stated in the LAFCo Staff Report dated September 4th, 2024, the base year revenue property tax is to remain with Yuba County. Property tax increment: 50% of the County's share of the property tax will be transferred to the City of Wheatland for every fiscal year after completion of the annexation. There will be no changes with other agencies receiving a portion of the property tax dollar. After annexation, there will be a sales tax exchange of 12.5% of the sales tax received by the City from retailers in the annexation area to the County. All tax exchanges shall be in accordance with Joint Resolution of the City Council of the City of Wheatland (Resolution 17-13) and the Board of Supervisors of the County of Yuba, Yuba County (Resolution 2013-102) for the territory to be annexed hereto which is attached as Exhibit "C".
16. Pursuant to Section 15096 of the State CEQA Guidelines, the Commission has considered the Mitigated Negative Declaration and Mitigated Monitoring Program as a responsible agency under the California Environmental Quality Act ("CEQA"), exercised its independent judgment and reached its own conclusions in considering the Bains/1973 State Highway Route 65 project, and the Commission hereby adopts the following findings regarding the as a responsible agency, the Commission considers only the effects

of those activities involved in a project over which it has jurisdiction, i.e., those associated with the annexation action of this project. The Commission certifies that its findings are based on an assessment of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Mitigated Negative Declaration and Mitigated Monitoring Program

(A) On April 25th, 2023, the City of Wheatland, acting as lead agency under CEQA, certified the Mitigated Negative Declaration (MND) and Mitigated Monitoring Program (MMP) for the proposed annexation, entitled the Bains/1973 State Highway Route 65 project. The Mitigated Negative Declaration (MND) considers and evaluates environmental effects of the proposed annexation that is the subject of this action. The MND analyzed impacts associated with the physical characteristics of the affected territory, short term and long-term growth in the City of Wheatland and surrounding unincorporated areas, provision of public services, and impacts on the protection and management of open space and agricultural lands. The City of Wheatland adopted a mitigated Monitoring Program to avoid or lessen potential impacts where feasible. The City of Wheatland found the following environmental factors would be potentially affected by the annexation of this territory, with at least one impact that is “Less than Significant with Mitigation Incorporated:

1. Biological Resources
2. Air Quality
3. Cultural Resources
4. Geology and Soils
5. Noise
6. Utilities and Service
7. Tribal Cultural Resources

(B) The Mitigation Monitoring and Reporting Program sets forth numerous mitigation measures to reduce potentially “Less than Significant” impacts and concludes that such impacts can be reduced to a level of insignificance if all mitigation measures proposed in the Mitigated Monitoring and Reporting Program are adopted. On November 14th, 2023, the City of Wheatland adopted all the mitigation measures. In addition, the City of Wheatland adopted, pursuant to CEQA Section 21081.6 and CEQA Guidelines Section 15091, the Mitigation Monitoring Program to require all reasonably feasible mitigation measures to be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program. The Commission has reviewed and hereby incorporates by reference the City of Wheatland's Findings, documenting adoption by the City of Wheatland of all mitigation measures proposed to reduce potentially significant impacts. The Commission hereby finds and determines that because the project under review by the Commission includes all feasible mitigation measures, the

project does not require imposition of additional mitigation measures by this Commission. The mitigation measures adopted in the environmental process are the responsibility of the City of Wheatland, which will have land use regulatory authority over the site. All mitigation measures can and should be implemented by the City of Wheatland when it authorizes development approvals of the Bains/1973 State Highway Route 65 parcel site. See CEQA Guidelines §15091(a)(2).

17. The Commission has reviewed and considered the information contained in the Mitigated Negative Declaration Report and Mitigated Monitoring Program prepared for this project and makes a specific determination that the issues and mitigation measures as adopted by the City of Wheatland adequately address this annexation.
18. The City of Wheatland shall submit to Wheatland Fire Authority a request to review all future proposed development applications pertaining to this, and all sites within the City of Wheatland, prior to the project approval.
19. The Commission directs the Executive Officer to file a Notice of Determination as provided under Section 15094 of the California Code of Regulations.
20. Approval of this change of organization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Yuba Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Yuba Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
21. All County of Yuba, Yuba LAFCo and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCo will forward invoices for direct payment and/or a list of required fees to the applicant prior to filing the Certificate of Completion.
22. The applicant shall supply an original wet stamped set of maps and Geographic Descriptions suitable for recording (8 ½ x 11 inches) clearly legible, and a reproducible electronic copy in PDF format, of the final LAFCo approved boundary description and map prior to recordation of the Certificate of Completion.
23. The City of Wheatland shall provide LAFCo three copies of a map of limited addresses for all territory within the annexation territory in accordance with State Board of Equalization requirements prior to recordation of the Certificate of Completion.
24. The City of Wheatland shall provide LAFCo with a listing of the assessor's parcels within the annexation territory prior to recordation of the Certificate of Completion.

25. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings and satisfaction of all requirements set forth herein.
26. Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated.
27. The Executive Officer of this Commission is instructed to transmit a certified copy of this resolution to those persons so indicated on the application, affected agencies, and as required by Government Code Section 56882.

PASSED AND ADOPTED at a regular meeting of the Local Agency Formation Commission of the County of Yuba, State of California, on the 4th day of September 4th, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Brad Hudson, Chair
YUBA LAFCo
COUNTY OF YUBA

ATTEST:

Paige Hensley
LAFCo Executive Officer

APPROVED AS TO FORM:

Mackenzie Anderson
LAFCo Counsel

EXHIBIT A

PROPERTY TO BE ANNEXED TO THE CITY OF WHEATLAND

PARCEL 1

The land referred to herein, a portion of which is situated in the County of Yuba, State of California, and of which portion lies outside the City of Wheatland city limit and is described as follows:

Being a portion of land described in that certain Grant Deed to Satinder Bains, an unmarried woman, as her sole and separate property, recorded as Document No. 2009-007633, of Official Yuba County Records, and being more particularly described as follows:

Beginning at the most Northerly corner of said parcel of land described in deeded to Bains that is a point on the Southwesterly right of way line of the Union Pacific Railroad (formerly known as the Southern Pacific Railroad); thence from said **Point of Beginning** leaving said right of way line along the Northwesterly line of said parcel of land, South 50°20'27" West 167.26 feet to a point of intersection with the Northeasterly right of way line of State Highway 65; thence from said point leaving said Northwesterly line along said highway right of way line, South 34°49'18" East 314.58 feet to a point of intersection with the City of Wheatland limits; thence from said point leaving said highway right of way line along said city limits line, North 64°14'58" East 298.88 feet to a point of intersection with said railroad right of way line; thence from said point leaving said city limits line along said railroad right of way line, North 53°41'47" West 397.16 feet to the Point of Beginning.

Containing 1.805 acres of land more or less.

End of Description

See Exhibit B, a plat to accompany description, attached hereto and made a part of.

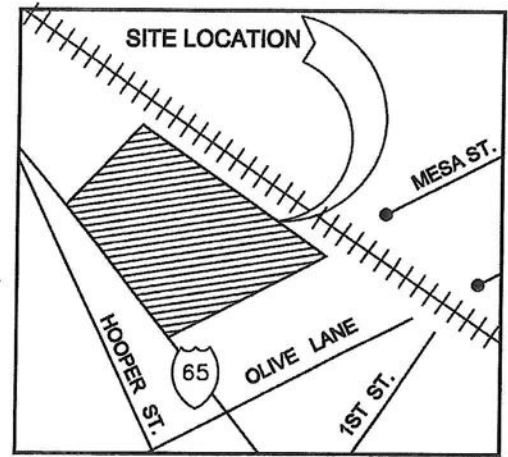
This legal description was prepared by me or under my direct supervision pursuant to section 8729(a)(2) of the Professional Land Surveyors Act.

Surveyors Group, Inc.


Timothy G. Blair, PLS

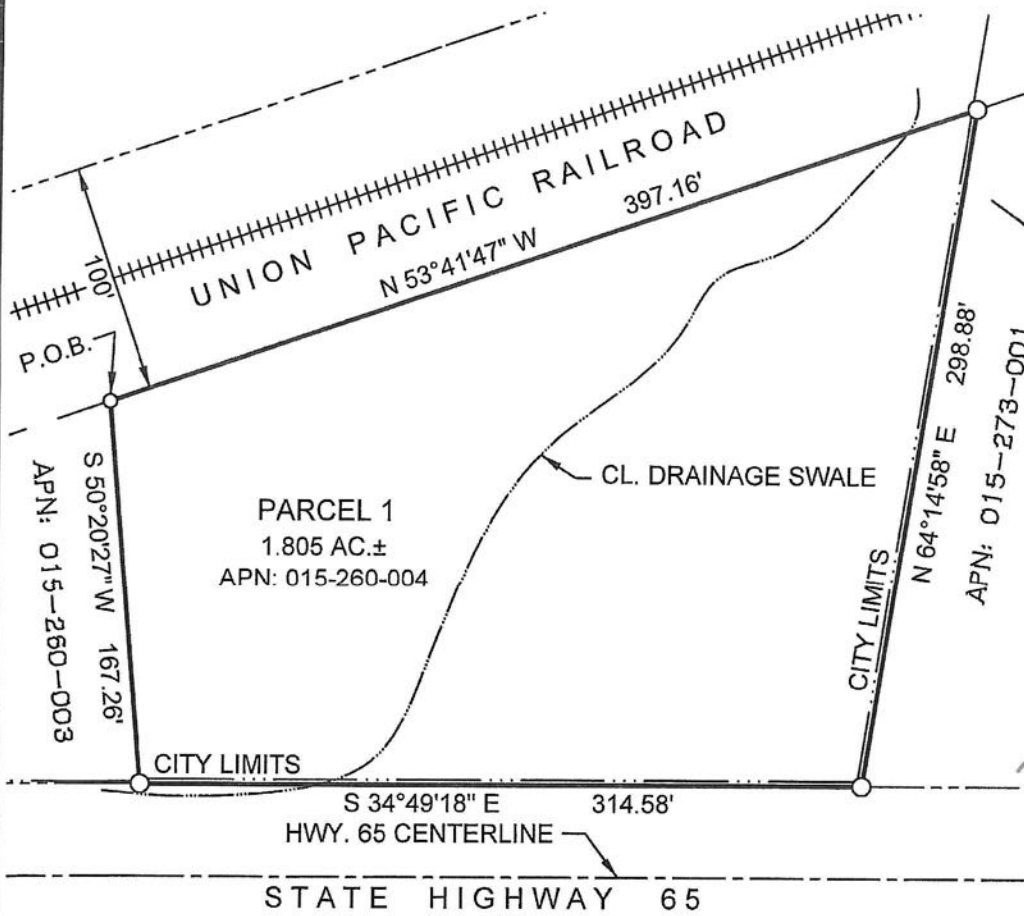
Date signed: 12/8/23





VICINITY MAP

N.T.S.



SCALE: 1" = 80'

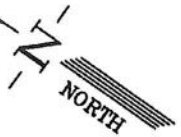


EXHIBIT B

PROPERTY ANNEXATION
 1973 STATE HIGHWAY 65
 DOC. #2009-007633, APN: 015-260-004
 CITY OF WHEATLAND
 YUBA COUNTY, CALIFORNIA

SGI COMPANIES

SGI CIVIL • SGI 3D • SURVEYORS GROUP, INC.
 9001 Foothills Blvd., Suite 170
 Roseville, CA 95747
 (916) 789-0822 (916) 789-0824 (Fax)
 www.sgicompanies.com

COUNTY OF YUBA RESOLUTION NO. 2013-102

CITY OF WHEATLAND RESOLUTION NO. 17-13

**JOINT RESOLUTION AND AGREEMENT
BY COUNTY OF YUBA AND CITY OF WHEATLAND
CONCERNING MASTER TAX EXCHANGE
RELATING TO CITY ANNEXATIONS**

BE IT RESOLVED by the Board of Supervisors of the County of Yuba ("County") and the City Council of the City of Wheatland ("City") that they make and approve this joint resolution and agreement ("Agreement") as follows:

1. **Recitals.** This Agreement is made with reference to the following background recitals:

1.1. County and City each have adopted a General Plan that provides for appropriate growth and development in their respective growth areas. By this Agreement, the parties seek to ensure the long-term fiscal health and viability of each jurisdiction consistent with the goals and objectives of their General Plans.

1.2. The parties recognize that City residents are residents of both the City and County and that those residents rely on both the City and County for important local government services. The parties desire to ensure that both the County and City have sufficient revenue and fiscal strength to provide the quality services desired by both residents in the City and those in the unincorporated area.

1.3. City and landowners around the City from time to time seek to annex land to the City. The Yuba County Local Agency Formation Commission therefore periodically will receive applications for changes of organization and reorganizations involving annexation to the City.

1.4. The LAFCO Executive Officer is prohibited by law from issuing a certificate of filing for any such application until the City and County determine, pursuant to Revenue and Taxation Code section 99, the amount of property tax revenue to be exchanged between and among the local agencies whose service areas or responsibilities will be altered should a change of organization or reorganization be approved. Section 99(d) authorizes a county and a local taxing agency to enter into a master property tax exchange agreement. City and County are the two local taxing agencies whose service areas and responsibilities would be altered should there be an annexation of territory to the City. The parties acknowledge that annexation of territory to City would not impact the service area or responsibility of any special district in such a manner that it is necessary to negotiate a property tax exchange involving any special district.

1.5. State Constitution article XIII, section 29(b) and Government Code sections 55700 to 55707 authorize counties and cities to enter into agreements to apportion between them the revenue derived from any sales or use tax imposed by them pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or any successor statute, that is

collected for them by the state. State law requires that any sales/use tax exchange agreement be approved by a two-thirds vote of the governing body of each jurisdiction that is a party to the contract.

1.6. Pursuant to Government Code section 55704, County and City find and determine that one or more retailers have been established, or will be established, in the Annexation Area and that consumers residing in both City and the unincorporated area of County are, or will be, purchasing tangible personal property from such retailers. The parties therefore have determined that equity requires that the Sales Tax Revenue from retailers within the Annexation Area be distributed and apportioned in a fair and just manner to both parties pursuant to this Agreement.

1.7. County and City after negotiations have reached an understanding regarding the exchange of various taxes and other matters relating to annexations to City. The parties enter into this Agreement pursuant to Constitution article XIII, section 29(b), Government Code sections 55700 to 55707, Revenue and Taxation Code section 99, and other applicable law.

1.8. In agreeing to the revenue sharing provisions of this Agreement, the parties intend as follows: that County will have sufficient revenues to cover County-wide services related to the Annexation Areas; that City will have sufficient revenues to provide full municipal services to the areas (including future Annexation Areas) within its City limits; that City will be a full service city providing all of the necessary municipal services; that, for any municipal services that County provides directly to City, City will cover its share of those costs; that County's revenue stream will not be lowered due to annexation of lands into the City (excluding any lowering of property values by the County Assessor not related to annexation); and, that property tax sharing between County and City will occur only with respect to post-annexation increases in property assessment (i.e., only the tax increment will be subject to property tax sharing).

2. Definitions. The following definitions apply to this Agreement:

2.1. "Annexation Area" means the territory of the annexations to City as approved by LAFCO during the applicability of this Agreement.

2.2. "Effective Date" has the meaning set forth in section 3.1.

2.3. "LAFCO" means the Yuba County Local Agency Formation Commission.

2.4. "Property Tax Revenue" means the revenue from ad valorem taxes on real property within the meaning of California Constitution article XIII A, section 1 and Revenue and Taxation Code section 95(c) that is levied and collected from within an Annexation Area.

2.5. "Sales Tax Revenue" means the revenue from the local sales and use taxes levied and received by City pursuant to the Bradley-Burns Uniform Local Sales and Use Tax (within the meaning of Government Code section 55702) that is levied and collected within an Annexation Area. Sales Tax Revenue does not include revenue levied and collected by City pursuant to the City Transactions and Use Tax adopted by City Ordinance No. 421 or

any extension of that ordinance or any other local City transactions and use tax adopted by the voters of City.

2.6. "Tax Increment" means the incremental increase in property taxes attributable to post-annexation increases in property assessment. Decreases in property taxes attributable to decreases in property assessment shall mean the Tax Increment is equal to zero.

2.7. "Tax Rate Area" means that grouping of parcels used by the County Assessor for reporting and assessing values of real property by taxing jurisdiction and assisting the County Auditor-Controller in distributing property taxes.

3. Term and Termination.

3.1. This Agreement shall become effective upon the date of approval (the "Effective Date") by the last governing board to adopt and approve the Agreement as indicated by the dates set forth below. This Agreement shall continue in effect for 20 years from the Effective Date. At the end of 20 years, this Agreement shall be extended for an additional five year term, unless a party provides written notice of nonrenewal to the other party prior to the expiration of the 20-year term. At the end of an extended five year term, this Agreement shall be extended for an additional five year term, unless a party provides written notice of nonrenewal to the other party prior to the expiration of the five-year term. At the end of the 20-year and each 5-year extension, the County and City will jointly fund an analysis to determine if the Agreement continues to be equitable, needs to be terminated or modified, and/or should have a firm expiration date.

3.2. Upon any termination of this Agreement, and except as otherwise may be agreed to by the parties pursuant to section 3.1, 5.6 or 14, the exchange of Property Tax Revenue and Sales Tax Revenue pursuant to sections 5 and 6 shall survive and continue post-termination with respect to (a) any Annexation Area annexed to City prior to termination, and (b) any Annexation Area annexed to City after termination if LAFCO issued its certificate of filing for the change of organization or reorganization prior to the termination of this Agreement.

4. Applicability. This Agreement applies to every change of organization and reorganization including the annexation of land to the City within the City's Sphere of Influence at the Effective Date of this agreement (see Figure 1) for which the LAFCO certificate of filing is issued by LAFCO after the Effective Date and prior to the termination of this Agreement.

5. Exchange of Property Tax Revenue. On and after the Effective Date, County and City shall exchange Property Tax Revenue as follows:

5.1. For purposes of this section related to the sharing of Property Tax Revenue, the following definitions shall apply:

"A" equals: The total tax rate in effect in the Tax Rate Area(s) of the Annexation Area during the fiscal year in which the annexation is completed, excluding any voter-approved tax rate(s) for the redemption of bonds. For purposes of this

Agreement, the date of completion of an annexation shall be determined pursuant to Government Code section 57202 (or successor statute).

"B" equals: The taxable assessed valuation of all property, both real and personal, of the Annexation Area as shown on all assessment rolls of the County of Yuba and the State of California for the fiscal year during which the annexation is completed.

"C" equals: The percentage of the total property taxes levied within the Tax Rate Area(s) of the Annexation Area in the fiscal year during which the annexation is completed that are distributed to the County General Fund.

5.2. **Base Year Revenue.** The amount of Property Tax Revenue equal to the product of "A" times "B" times "C" shall be retained by the County.

5.3. **Tax Increment.** For the fiscal year commencing after the completion of an annexation and every fiscal year thereafter, 50% of the annual property Tax Increment attributable to the County's portion of the property tax based on the Tax Rate Areas in the Annexation Area shall be transferred from County to City (i.e., the County share of the tax increment in the Annexation Area shall be split and distributed equally to County and City).

5.4. Either or both County and/or City are authorized to file this Agreement with LAFCO. Pursuant to Revenue and Taxation Code section 99, for any annexation to City within the applicability of this Agreement, the County Auditor-Controller shall adjust the allocation of Property Tax Revenue of the Annexation Area pursuant to the terms of this Agreement.

5.5. Exchange or reallocation of property taxes involving any special district with territory in any Annexation Area is not a part of this Agreement.

5.6. Five years after the Effective Date, County and City will jointly review the property tax sharing formula and the implementation of this Agreement to determine whether the parties' tax sharing agreement objectives are being met. If the review concludes that the objectives are not being met, then County and City agree to enter into good faith negotiations to arrive at a more equitable tax sharing agreement.

6. Exchange of Sales Tax Revenue. On and after the Effective Date, County and City shall exchange Sales Tax Revenue as follows:

6.1. City shall transfer quarterly to County a share of the Sales Tax Revenue from the Annexation Area in an amount equal to 12.5% of Sales Tax Revenue received by City from retailers in the Annexation Area, effective with the first full fiscal year commencing after the annexation is completed.

6.2. Pursuant to Government Code section 55706, a copy of this Agreement shall be transmitted to the County Auditor-Controller and City Administrative Services Director. Thereafter, upon the receipt of Sales Tax Revenue transmitted by the State Board of Equalization pursuant to Revenue and Taxation Code section 7204, the City shall allocate the revenue pursuant to the terms of this Agreement.

7. City Sphere of Influence.

7.1. City's sphere of influence will be reasonably sized to correlate with reasonably foreseeable growth for a period not to exceed 20 years. County and City agree to support a future boundary of the City sphere of influence, when the foreseeable growth necessitates it based on LAFCo regulations, that is generally located along the southeast side of South Beale Road and to the east of Highway 65; however, the Ostrom Road landfill will remain outside any future City sphere of influence and within the unincorporated area unless otherwise jointly agreed upon in writing by County and City. This Agreement will satisfy the requirements of Revenue and Taxation Code section 99 for any proposed annexation within the aforementioned future boundary. In addition, the County and City shall consider establishing compatible infrastructure, services, and land uses near the future City boundary.

7.2. The parties acknowledge that the County General Plan Valley Growth Boundary contained in the General Plan adopted by the County on June 7, 2011 applies to growth and development permitted by the County and that it does not apply to growth and development permitted within the City's incorporated boundaries.

7.3. County agrees that it will not oppose a City request to LAFCO to amend the City sphere of influence consistent with these provisions.

8. Transportation Infrastructure.

8.1. The parties agree to cooperate in good faith on the evaluation and development of regional transportation and traffic improvements, systems and funding to meet the regional transportation, street and highway needs of the area as it develops.

8.2. The City General Plan and any future amendments will consider traffic impacts to County relative to the County General Plan, as may be amended. The County General Plan and future amendments will consider traffic impacts to City relative to the City adopted General Plan, as may be amended.

8.3. City and County will discuss in good faith, the concept of a regional transportation planning effort (which may result in the creation of a regional transportation agency or joint powers authority similar to the South Placer Regional Transportation Agency in Placer County) in order to identify, prioritize, and jointly seek funding for southern Yuba County (i.e., south of Marysville) transportation system improvements, such as the Wheatland bypass, Goldfields Parkway, future freeway interchanges, and other regionally beneficial projects.

9. Facility Impact Fees

9.1 In order to mitigate the impacts associated with County Facilities due to development, the County has adopted a Facility Impact Fee schedule. A facility impact fee has been established and collected by the County for Criminal Justice, Law Enforcement, Health and Human Services, Library and General Government functions. The Facility Impact Fee provides a separate and lower fee specifically for impacts due to development within the incorporated City limits.

9.2 Notwithstanding any other provisions of this agreement, to the extent allowed by law, the City shall approve and collect the capital facilities fee specifically and separately identified for the incorporated city as established from time to time by the County for facility impacts due to development projects within an Annexation Area subject to this agreement. The County Facility Impact Fees collected by the city shall be paid to the County, to mitigate the impacts of growth within an Annexation Area on County capital facilities. The City and County shall work in a collaborative manner and in good faith to ensure that any update to the County's Facility Impact Fee provides for a specific fee for the development in the Annexation Area and that that fee does not duplicate any City Facility Impact Fees.

9.3 For purposes of this section, the City agrees to approve and begin collecting capital facilities fees identified in Section 9.2 no later than January 1, 2015. Payments to County shall be paid quarterly by the City.

9.4 In addition, City may seek in the future to establish particular citywide facilities (such as libraries). County and City agree to discuss and potentially modify the County facility impact fee schedule to avoid duplication of payment of County facility impact fees and City development fees.

10. Prime Agricultural Land Preservation

10.1. In order to minimize and delay the impacts associated with the loss of prime agricultural land (as identified under the Soil Classification System of the California Department of Conservation) within Yuba County to urban development, the City and County agree to the following:

10.1.1 Encourage urban development on non-prime agricultural land first within their respective growth boundaries through mechanisms such as zoning, ordinances, and development agreements, in order to preserve in place existing farms on prime agricultural land until needed to accommodate their respective growth needs. However, the encouragement will be limited to lands that are not needed to provide efficient services for the respective growth area, which will change over time as development occurs.

10.1.2 Promote protection of the operation of farms on prime agricultural land within their respective growth boundaries from being deemed public nuisances through mechanisms such as zoning, ordinances, and development agreements with similar intent as Yuba County Ordinance Code, Chapter 11.55, "Consumer Disclosure – Farming and Mining Operations".

10.1.3 For prime agricultural land mitigation required by either the City or the County of a development project within their respective jurisdiction, preserved prime agricultural land will first be sought on parcels within the Natural Resources land use designation in the Yuba County General Plan and outside of a city sphere of influence, including the proposed sphere of influence described in Section 7 of this Agreement. If adequate mitigation land is not feasibly available on these parcels as determined by the City or County requiring the mitigation, then land outside of

Yuba County can be pursued.

10.1.4 Cooperate in good faith to establish a uniform process under which prime agricultural land mitigation will occur, to ensure consistency in items such as types of easements and uses that are acceptable on preserved land, acceptable responsible entities to ensure preservation is occurring, and so on.

11. Other Obligations and Limitations.

11.1 Annexation of new land into the City shall include the full road right of way for lands adjacent to and abutting County territory, (a) City will be responsible for providing full municipal services to the Annexation Area, including acceptance into the City's maintained mileage list reported to the State, the entirety of all previously County maintained roads that were within the Annexation Area and (b) County will no longer be obligated to provide any additional road improvements, beyond routine maintenance and customary road repair and replacement, on roads not accepted into the City's maintained mileage, but located adjacent to but not abutting the Annexation Area. Routine maintenance and customary road repair and replacement mean the level of road maintenance, repair and replacement provided by the County to roads in the unincorporated area generally.

11.2 In the event that City desires to contract with another local government agency for municipal services of a type that are provided by County, City first shall contact County and both parties will negotiate in good faith on the terms of a County-City services agreement. If an agreement cannot be reached, then City may elect to seek proposals from other agencies.

12. Audit. Either party may request that an independent audit of the Property Tax Revenue allocated to City or of Sales Tax Revenue distributed to County be performed at any time. The party requesting such an audit shall be solely responsible for the costs of the audit. The auditor shall be jointly selected by the County Administrator and the City Manager. If the audit discloses that a party received less revenue than it should have received under this Agreement, then City or County will make any adjustments required as a result of the audit within 60 days of receipt of the audit or such other time period as agreed to by the parties. The adjustment shall be in the form of a payment from the overpaid party to the underpaid party consistent with the audit findings or such other remedy as agreed to by the parties. The scope of any audit and repayment obligation under this section shall be limited to the latest three completed fiscal years. If a party disagrees with the audit findings, then it may pursue a declaratory relief or other appropriate lawsuit to review the audit findings.

13. Default.

13.1. By City.

13.1.1. In addition to any remedies County may have at law or in equity in the event of default by City, County may withhold from Property Tax Revenue payments due to City an amount equal to the amount of Sales Tax Revenue and/or development impact fee collection as identified in section 8.3 that City has failed to pay to County in a timely manner, provided that County shall have first given City 30 days written notice of County's intent to offset.

13.1.2. In the event that City fails to transfer Sales Tax Revenue and/or collect and transfer development impact fees as identified in section 8.3 within the times specified in this Agreement, City shall pay interest to County compounded monthly at a rate equal to the County's average pooled investment interest rate as of June 30 of the preceding fiscal year.

13.2. By County.

13.2.1. In addition to any remedies City may have at law or in equity in the event of default by County, City may withhold from Sales Tax Revenue payments due to County an amount equal to the amount of Property Tax Revenue that County has failed to pay to City in a timely manner, provided that City shall have first given County 30 days written notice of City's intent to offset.

13.2.2. In the event that County fails to transfer Property Tax Revenue within the times specified in this Agreement, County shall pay interest to City compounded monthly at a rate equal to the City's average pooled investment interest rate as of June 30 of the preceding fiscal year.

14. Reformation. County and City intend that this Agreement will result in a 50%/50% split in property Tax Increment revenue and an 87.5%/12.5% split in Sales Tax Revenue for Annexation Areas. County and City understand and acknowledge that this Agreement is based upon existing law at the time of the Agreement and that such law may be amended in the future. In the event of an amendment of state law that renders this Agreement invalid or inoperable or that denies a party the full benefit of this Agreement, in whole or in part, then County and City agree to enter into good faith negotiations to arrive at a new equitable tax sharing agreement consistent with the intentions of the parties in this Agreement.

15. General Provisions.

15.1. Execution. County authorizes the Chair of its Board of Supervisors and County Clerk to sign this Agreement on behalf of the County. City authorizes its Mayor and City Clerk to sign this Agreement on behalf of the City.

15.2. Integration. This Agreement constitutes the sole, final, complete, exclusive and integrated expression and statement of the terms of this contract among the parties concerning the subject matter addressed herein, and supersedes all prior negotiations, representations or agreements, either oral or written, that may be related to the subject matter of this Agreement, except (a) those other documents that are expressly referenced in

this Agreement, and (b) the County-City annexation-related tax sharing agreements that predate the date of this Agreement.

15.3. Construction and Interpretation. The parties agree and acknowledge that this Agreement has been arrived at through negotiation, and that each party has had a full and fair opportunity to revise the terms of this Agreement. Consequently, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

15.4. Waiver. The waiver at any time by any party of its rights with respect to a default or other matter arising in connection with this Agreement shall not be deemed a waiver with respect to any subsequent default or matter.

15.5. Severability. If any part of this Agreement is held to be void, invalid, illegal or unenforceable, then the remaining parts will continue in full force and effect and be fully binding, provided that each party still receives the benefits of this Agreement.

15.6. Further Assurances. The parties, in order to carry out and give full effect to this Agreement, each shall use all reasonable efforts to provide such information, execute and deliver such further instruments and documents and take such actions as may be reasonably requested by the other party, so long as not inconsistent with the provisions of this Agreement and not involving the assumption of obligations or liabilities different from, in excess of, or in addition to those expressly provided for in this Agreement.

15.7. Amendment. This Agreement may be modified or amended only by a subsequent written agreement approved and executed by both parties. Amendment requires approval by resolution adopted by the governing board of each party and, if the amendment relates to the exchange of Sales Tax Revenue, the resolution must be adopted by two-thirds vote of each governing board.

15.8. Notices. Any notice, demand, invoice or other communication required or permitted to be given under this Agreement shall be in writing and either served personally or sent by prepaid, first class U.S. mail and addressed as follows:

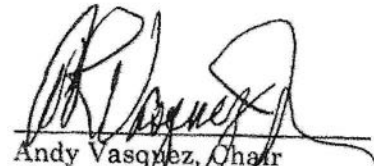
County:	City:
County Administrator County of Yuba 915 8th Street, Suite 115 Marysville, CA 95901	City Manager City of Wheatland P.O. Box 395 111 C Street Wheatland, CA 95692

Any party may change its address by notifying the other party in writing of the change of address.

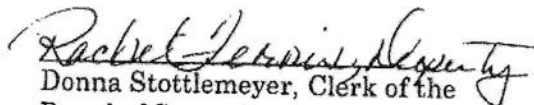
PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Yuba on the 24 day of September 2013, by the following two-thirds vote:

AYES: Supervisors Vasquez, Nicoletti, Griego, Abe
NOES: Supervisor Stocker
ABSTAIN: None
ABSENT: None

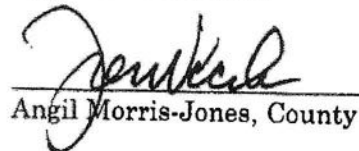
By:


Andy Vasquez, Chair
Board of Supervisors

Attest:


Donna Stottlemeyer, Clerk of the
Board of Supervisors

Approved as to form:


Angil Morris-Jones, County Counsel

PASSED, ADOPTED AND APPROVED by the City Council of the City of Wheatland on the 24th day of September 2013, by the following two-thirds vote:

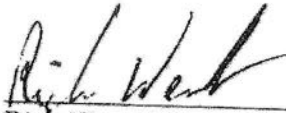
AYES: Pendergraph, Coe, McIntosh, West

NOES:

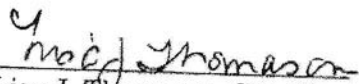
ABSTAIN:

ABSENT: Henderson


By:


Rick West, Mayor

Attest:


Lisa J. Thomason, City Clerk

Approved as to form:


Richard P. Shanahan, City Attorney

**WHEATLAND CITY COUNCIL
RESOLUTION NO. 41-23**

**RESOLUTION OF THE CITY OF WHEATLAND APPROVING THE
ANNEXATION OF THE 1.8-ACRE 1973 STATE ROUTE 65 PROJECT INTO
THE CITY OF WHEATLAND**

WHEREAS, the City of Wheatland ("City") received an application from Timothy G. Blair with Surveyors Group, Inc. ("the Applicant") for the annexation of the approximately 1.8-acre site located east of State Route 65 in the City of Wheatland (APNs 015-260-004-000 and 015-273-001-000) ("Project"); and

WHEREAS, the Project is within the sphere of influence of the City of Wheatland, as adopted by the Yuba County Local Agency Formation Commission, and is adjacent to the existing City limits; and

WHEREAS, Government Code section 56654, subdivision (a), authorizes the City to adopt a resolution of application for annexation of the Project into the City; and

WHEREAS, the IS/MND concluded that the Project, with the implementation of the mitigation measures recommended in the Initial Study, will not have a significant effect on the environment; and

WHEREAS on October 3, 2023, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, regarding the proposed annexation request and recommended City Council approval of the proposed annexation; and

WHEREAS on November 14, 2023, the City Council approved the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS the Wheatland City Council duly gave notice of the public hearing as required by law.

WHEREAS on November 14, 2023, the Wheatland City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE, BE IT RESOLVED AND DETERMINED, by the City of Wheatland City Council determines and certifies as follows:

1. City Council approves the filing of an application for annexation of the 1973 State Route 65 Annexation Project with the Yuba County LAFCo in order to annex the Property to the City, pursuant to Government Code section 56654, subdivision (a). The following information is provided pursuant to Government Code sections 56654, subdivision (d), and 56700:
 - a. The City's application for annexation is made pursuant to Government Code section 56000, et seq.

- b. The nature of the proposal is the proposed annexation of approximately 1.8 acres of real property. The proposed annexation is described in the IS/MND that was prepared for the project.
- c. The proposed terms of the annexation shall include: (i) any terms regarding the rezoning of the Project, which would become effective after annexation; (ii) any terms that are included in the Master Tax Sharing Agreement between the City and Yuba County, which applies to tax revenues for the Project after annexation.
- d. The annexation is being initiated by the approval of this resolution of application of the City Council. The City's contact person for this annexation is Tim Raney, Community Development Director, 111 C Street, Wheatland, CA 95692.
- e. The City Council requests that formal proceedings be taken before Yuba County LAFCo on this resolution of application in accordance with Government Code sections 56000, et seq.
- f. This proposal to annex the Project to the City is consistent with the City's sphere of influence and the Project is adjacent to the City's existing boundary.

2. City staff shall take all actions that may be necessary to process the proposed annexation with Yuba County LAFCo, which may include preparing and providing LAFCo with a plan of service for how the City will provide City services to the Project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Wheatland City Council approves the filing of an application for annexation of the 1973 State Route 65 Annexation Project site (APN 015-260-004-000) with the Yuba County LAFCo in order to annex the Property to the City.

* * * * *

PASSED AND ADOPTED by the City Council of City of Wheatland, State of California on this 14th day of November 2023, by the following vote:


AYES: Teter, McIntosh, Coe, Shelton

NOES:

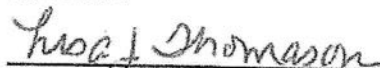
ABSTAIN:

ABSENT: West

APPROVED:


Vice Mayor of the City of Wheatland

ATTEST:


Wheatland City Clerk

XV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a-e. The proposed project consists of annexation, a General Plan Amendment, and Pre-Zoning of the project site, and a General Plan Amendment for the project site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly increase demand for public services. Nonetheless, following annexation, the entirety of the project site would be serviced by the City's public service providers. However, existing development within the city limits surrounds the project site on three sides and, thus, the area, including the remainder of the parcel, is already served by existing City services and facilities.

Fire protection services are already currently provided to the project site by the Wheatland Fire Authority (WFA). The WFA provides fire protection services through a Joint Powers Agency comprised of the City of Wheatland and the Plumas Brophy Fire Protection District. The WFA's service area encompasses approximately 78 square miles, extending to the Yuba County line and Placer County to the south, to the Yuba County line and Nevada County to the east, to Beale Air Force Base and Erle Road to the north, and to roughly Powerline Road and State Highway 70 to the west. The Wheatland Fire Department is located approximately 0.25-mile east of the project site, and the Plumas Brophy Fire Department is located approximately 1.7 miles north of the site. Fire protection services would continue to be provided to the project site by the WFA following annexation. Any on-site future development would be constructed in accordance with the fire protection requirements of the most recent California Fire Code, which require built-in fire protections such as fire sprinkler systems. Compliance with such would help to reduce initial fire losses and the time required to suppress the fire. Operation of future commercial or residential uses would not be anticipated to involve activities that would lead to a significant increase in the demand for fire protection services from what currently occurs in the project area. Thus, the proposed project would not cause a need for new or physically altered fire protection facilities in order to adequately serve the project.

Police protection services are already currently provided to the site by the Wheatland Police Department. Wheatland currently receives police service 24 hours a day, seven days a week. The Police Department is staffed by one administrative assistant, one code enforcement officer, six patrol officers, one sergeant and the Chief. Supplemental police services are provided by three on-call level-one reserve officers who are paid an hourly wage and are considered part-time employees. As noted above, the proposed project does not include development plans, but implementation of the proposed project may

result in future commercial or residential development of the project site. Future commercial development on the project site would be required to be constructed in compliance with the Wheatland Community Design Standards, including COM Objective 4.3, which requires lighting fixtures to contribute to the safety and security of commercial buildings. Future residential development would necessitate approval a CUP, which would require subsequent environmental review and Planning Commission approval. Furthermore, future commercial or residential development would require Site Plan and Design Review approval, which would include review of the project plans by the Wheatland Police Department to ensure the site plan and design promote safety. Operation of future commercial or residential uses would not be anticipated to involve activities that would lead to a significant increase in the demand for police protection services from what currently occurs in the project area. Thus, the proposed project would not cause a need for new or physically altered police protection facilities in order to adequately serve the project.

Wheatland is served by the Wheatland School District and the Wheatland Union High School District. The Wheatland School District operates two schools within the City and one school at Beale Air Force Base. Wheatland Union High School District operates Wheatland High School, which is located on Wheatland Road at the western edge of the City. Future development of the project site with commercial uses would not result in direct population growth that could result in increased demand for existing schools. However, if the project site is developed with residential uses consistent with R-3 zoning standards, up to 54 units could occur on the site, which would result in direct population growth. However, the project site is currently designated as MDR by the Wheatland General Plan and, thus, anticipated for development with residential uses. Under the existing MDR designation, a maximum of 14 dwelling units could be constructed on the project site. The proposed pre-zone would zone the site as C-3. Pursuant to Section 18.36.030 of the Wheatland Municipal Code, residential uses consistent with the R-3 zoning standards are permitted in the C-3 zone with Planning Commission approval of a CUP. The R-3 zoning standards would allow the project site to be developed with up to 54 dwelling units. Therefore, if developed with R-3 uses, the proposed project could increase the maximum allowed dwelling units to be developed on the project site by 40 units. However, development of the project site with residential uses would require approval of a CUP, as well as Site Plan and Design Review, and, thus, would be subject to subsequent environmental review and Planning Commission approval.

In addition, future development would be subject to payment of school impact fees collected by the Wheatland Elementary School District and the Wheatland High School District. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "[...] legislative or adjudicative act...involving ...the planning, use, or development of real property" (Government Code 65996[b]). Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation." Therefore, operation of future commercial or residential uses would not be anticipated to involve activities that would lead to a significant increase in the demand for school services from what currently occurs in the project area. Thus, the provision of new or physically altered school facilities would not be required in order to adequately serve the project.

Parks and recreational amenities within Wheatland are operated by the Wheatland Recreation Department. The City of Wheatland has four public parks. City Park, also known as Tom Abe Park, and Front Street Park are located in downtown Wheatland in the

SR 65/UPRR corridor, while the two other parks are located in the northeast area of the City. City Park is located approximately 100 feet east of the project site, beyond the UPRR. City Park is 3.8 acres and features the Tom Abe field for little league baseball, as well as a playground and restrooms. Commercial development of the project site would not result in direct population growth that could result in increased demand for existing park facilities. Residential development of the project site, consistent with R-3 zoning standards, could result in the development of up to 54 units and result in population growth, which would increase the maximum allowed dwelling units to be developed on the project site by 40 from what could occur pursuant to the site's current MDR designation. However, development of the project site with R-3 uses would require approval of a CUP, and, thus, would be subject to subsequent environmental review and Planning Commission approval. In addition, development would be subject to development impact fees pursuant to Chapter 3.26 of the Municipal Code. Therefore, operation of future commercial or residential uses would not be anticipated to involve activities that would lead to a significant increase in the demand for park facilities from what currently occurs in the project area. Thus, the provision of new or physically altered park facilities would not be required in order to adequately serve the project.

As discussed above, the project site was previously anticipated for development by the General Plan. As such, while an increase in demand is not anticipated, any potential increase that could occur would not be such that new or altered facilities would be necessary.

Based on the above, the proposed project would have a **less-than-significant** impact related to the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts.

**WHEATLAND CITY COUNCIL
RESOLUTION NO. 42-23**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
APPROVING THE GENERAL PLAN MAP AMENDMENT AMENDING
THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO
COMMERCIAL FOR THE PROPERTY IDENTIFIED AS YUBA COUNTY
ASSESSOR PARCEL NUMBER (APN) 015-260-004-000**

WHEREAS, the City of Wheatland ("City") received an application from Timothy G. Blair with Surveyors Group, Inc. ("the Applicant") for the annexation of the approximately 1.8-acre site located east of State Route 65 in the City of Wheatland (APNs 015-260-004-000 and 015-273-001-000) ("Project"); and

WHEREAS, the property owner for the 1973 State Route 65 Project has requested that the City Council adopt a resolution amending the General Plan Land Use Designation from Medium Density Residential to Commercial; and

WHEREAS, Section 65358 of the California Government Code provides for the amendment of all or part of an adopted General Plan; and

WHEREAS on November 14, 2023, the City Council approved the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS on November 14, 2023, the City Council approved the filing of an application for annexation of the 1973 State Route 65 Annexation Project with the Yuba County LAFCo in order to annex the Property to the City; and

WHEREAS on October 3, 2023, the Planning Commission recommended the Wheatland City Council approve the General Plan Land Use Designation Map Amendment for the Project site (APN 015-260-004-000) from Medium Density Residential to Commercial; and

WHEREAS, the Wheatland City Council duly gave notice of the public hearing as required by law; and,

WHEREAS on November 14, 2023, the Wheatland City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, by the City of Wheatland City Council determines and certifies as follows:

1. The proposed project conforms to the provisions and standards of the General Plan because the proposed amendment is internally consistent with all other provisions of the General Plan and does not conflict with any of the previously adopted Goals, Policies and Programs of the General Plan;
2. The proposed Map Amendment is necessary to implement the goals and objectives of the General Plan because the project will provide additional jobs and sales taxes to the City of Wheatland;

3. The proposed Map Amendment will not be detrimental to the public interest, convenience, and general welfare of the City of Wheatland because the Map Amendment will result in a logical placement of land uses consistent with the overall intent of the General Plan; and
4. The proposed project will not cause environmental damage because the 1973 State Route 65 IS/MND determined that all potential environmental impacts would be less than significant with mitigations incorporated.

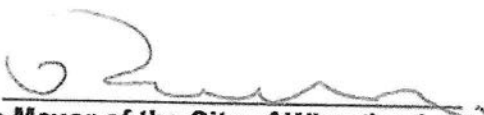
NOW THEREFORE BE IT FURTHER RESOLVED that the Wheatland City Council amends the General Plan Land Use Designation for the 1973 State Route 65 Annexation Project site (APN 015-260-004-000) from Medium Density Residential to Commercial.

* * * * *

PASSED AND ADOPTED by the City Council of City of Wheatland, State of California on this 14th day of November 2023, by the following vote:

AYES: Teter, McIntosh, Coe, Shelton
NOES:
ABSTAIN:
ABSENT: West

APPROVED:


Vice Mayor of the City of Wheatland

ATTEST:


Wheatland City Clerk

ORDINANCE NO. 493

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND TO
PREZONE THE 1.8-ACRE PROJECT SITE (APN 015-260-004-000) TO HEAVY
COMMERCIAL (C-3).**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1:

The purpose of this ordinance is to approve the pre zoning of the 1973 State Route 65 Annexation Project as Heavy Commercial (C-3), once the Yuba County Local Agency Formation Commission (LAFCo) approves the annexation of the properties into the City of Wheatland. This ordinance is adopted pursuant to Government Code sections 65853-65859, and other applicable law.

SECTION 2:

The City Council determined on November 14, 2023, that, after full consideration of the 1973 State Route 65 Annexation Project:

- A. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed project. The IS/MND addressed all the subjects required pursuant to the California Environmental Quality Act (CEQA).
- B. A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in compliance with CEQA in order to ensure implementation of the mitigation measures outlined in the IS/MND.
- C. The proposed pre zoning to C-3 is consistent with and would implement the policies of the City of Wheatland General Plan.
- D. The area is physically suited to the uses authorized in the proposed zone.
- E. The proposed pre zoning is compatible with the land uses existing and permitted on the properties in the vicinity.
- F. The land use, density, and intensity allowed in the proposed zone is not likely to create serious health problems or create nuisances on properties in the vicinity.
- G. Government Code Section 65859 authorizes the City to prezone unincorporated territory to determine the City zoning that will apply to that territory upon annexation to the City.

SECTION 6:

Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

* * * * *

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Wheatland, held on the 14th of November 2023, and passed and adopted at a regular meeting thereof, held on the 28th day of November 2023, by the following vote:

AYES: Coe, West, McIntosh, Teter

NOES:

ABSENT: Shelton

ABSTAIN:

Rich Wert

Mayor of the City of Wheatland

ATTEST:

Lisa J. Thomason

City Clerk of the City of Wheatland

Attachment B

STATEMENT OF JUSTIFICATION

The requested annexation of the subject properties into the City of Wheatland is to provide more areas for development consistent with the City's General Plan and Housing Element.

**WHEATLAND CITY COUNCIL
RESOLUTION NO. 40-23**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
APPROVING THE 1973 STATE ROUTE 65 ANNEXATION PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION, AND
THE 1973 STATE ROUTE 65 PROJECT MITIGATION
MONITORING PROGRAM**

WHEREAS, the City of Wheatland ("City") received an application from Timothy G. Blair for the annexation of the approximately 1.805-acre portion of a 3.84-acre parcel located at 1973 State Route 65 in the City of Wheatland, (APNs 015-260-004-000 and 015-273-001-000); and

WHEREAS, the City prepared an Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP), to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the IS/MND concluded that the Project, with the implementation of the mitigation measures recommended in the Initial Study, will not have a significant effect on the environment; and

WHEREAS, the City therefore published a notice of intent to adopt a mitigated negative declaration, which was circulated for a 30-day review period from June 30, 2023 to July 31, 2023 in accordance with CEQA; and

WHEREAS, on October 3, 2023, the Wheatland Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, recommending City Council approval of the IS/MND and MMRP; and

WHEREAS the Wheatland City Council duly gave notice of the public hearing as required by law.

WHEREAS on November 14, 2023, the Wheatland City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED by the City of Wheatland City Council certifies as follows:

- A. The foregoing recitals are true and correct.
- B. There is no substantial evidence that the Project will have a significant effect on the environment once mitigation measures have been followed and assuming approval of the General Plan Map Amendment and Prezone; and
- C. The IS/MND and MMRP, has been completed in compliance with CEQA and the CEQA Guidelines.
- D. The Final IS/MND and MMRP was presented to the City Council who reviewed and considered the information contained therein prior to approving the Project. The IS/MND and

MMRP reflects the City Council's independent judgment and analysis as to the environmental effects of the Project.

E. The City Council hereby certifies the IS/MND and MMRP as adequate. A copy of the certified IS/MND and MMRP is on file with the City Clerk.

F. The City Council hereby adopts the findings concerning significant impacts, mitigation measures and alternatives, as set forth in the IS/MND, which is attached hereto as Exhibit A and incorporated herein by reference.

G. The City Council hereby adopts the Mitigation Monitoring and Reporting Program (MMRP), as set forth in Exhibit B, which is attached here to and incorporated herein by reference, in order to ensure that all mitigation measures relied on in the findings are full implemented. The City will use the MMRP to track and ensure compliance with the Project's mitigation measures. The MMRP will remain available for public review during the compliance period.

NOW THEREFORE BE IT FURTHER RESOLVED that the Wheatland City Council approves the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the 1973 State Route 65 Annexation Project.

* * * * *

PASSED AND ADOPTED by the City Council of City of Wheatland, State of California on this 14th day of November 2023, by the following vote:

AYES: Teter, McIntosh, Coe, Shelton

NOES:

ABSTAIN:

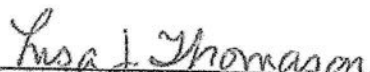
ABSENT: West

APPROVED:



**Vice Mayor of the City of
Wheatland**

ATTEST:


Wheatland City Clerk

Yuba Local Agency Formation Commission

Memorandum

September 4, 2024

TO: LAFCo Commissioners
FROM: Paige Hensley, Executive Officer
SUBJECT: 2024 Biennial Review of the Conflict of Interest Code.

Attachments:

1. Resolution 2017-0005 adopting LAFCO's Conflict of Interest Code
2. 2024 Local Agency Biennial Notice

Government code section 87300 et. seq. (the Political Reform Act) requires each local government agency to maintain a conflict of interest code and update it to reflect changes occurring in the organization of an entity. The Local Agency Formation Commission (as well as other local agencies) is required adopt, review and amend its Conflict of Interest code during even-numbered years. The County Clerk normally sends out a biennial notice or other official designated by the Board of Supervisors during the summer of even numbered years to each agency required to review its Conflict of Interest Code.

Government code section 87311 requires review of a conflict of interest code to be carried out under procedures which guarantee to officers, employees, members and consultants of the agency and to residents of the County adequate notice and a fair opportunity to present their views. In 2017 after review or approval of the Conflict of Interest Code (see Attachment #1), LAFCO adopted Resolution 2017-0005 on June 7, 2017, and was required to submit the proposed changes to the Board of Supervisors acting as the code reviewing body for approval.

Attachment #2 is the 2024 Biennial Notice stating after review, LAFCo's Conflict of Interest code is not in need of any revisions for 2024.

Recommendation:

Authorize the Executive Officer to sign and transmit the 2024 Biennial Local Agency Notice (Attachment #2) to the County Board of Supervisors.

2024 Local Agency Biennial Notice

Name of Agency: YUBA LAFCO
Mailing Address: P.O. Box 2305, Marysville, CA 95901
Contact Person: Paige Hensley Phone No. 530-749-5467
Email: phensley@co.yuba.ca.us Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

September 4, 2024

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2024**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

**Resolution 2017-0005
of the**

**Local Agency Formation Commission
Of
Yuba County, California**

*Resolution of Local Agency Formation Commission of Yuba County
Amending the Yuba LAFCO Conflict of Interest Code*

WHEREAS, amendments to the Political Reform Act, Government Code Sections 81000, *et seq.*, have in the past and foreseeably will in the future require conforming amendments to be made in Conflict of Interest Codes adopted and promulgated pursuant to its provisions; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation, title 2 California Code of Regulations, section 18730, which contains the terms of a standard Conflict of Interest Code, that can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act after public notice and hearings conducted by the FPPC pursuant to the Administrative Procedure Act, Government Code Section 11370, *et seq.*; and

WHEREAS, incorporation by reference of the terms of the aforementioned regulation and amendments to it in Conflict of Interest Codes saves Yuba LAFCO time and money by minimizing the actions required to keep the Code in conformity with the Political Reform Act.

NOW THEREFORE, THE YUBA LAFCO DOES RESOLVE AS FOLLOWS:

1. All previously adopted resolutions approving various separate conflict of interest codes are hereby rescinded and superseded.
2. The terms of title 2 California Code of Regulations, Section 18730, as it may be amended from time to time by the Fair Political Practices Commission, along with the attached appendix "A" in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code for Yuba LAFCO.
3. Designated officials and employees shall file statements of economic interests with the Executive Officer, who will make the statements available for public inspection and reproduction.
4. In completing statements of economic interest, all designated officials and employees must disclose all investments and business positions in business entities

within Yuba LAFCO's jurisdiction, sources of income from entities within Yuba LAFCO's jurisdiction, and interests in real property located within Yuba LAFCO's jurisdiction.

5. The Yuba LAFCO policy regarding reports filed after deadlines set by the Political Reform Act of 1974, Government Code section 81000, et seq., is to impose the maximum fine allowed by the law.

PASSED AND ADOPTED at a regular meeting of the Yuba Local Agency Formation Commission, State of California, on the 7th day of June 2017 by the following vote:

AYES: Commissioners Atwal, Lofton and Vasquez

NOES: None


ABSTAINS: None

ABSENT: Commissioners Samayoa and West




RICK WEST, CHAIR
YUBA LOCAL AGENCY
FORMATION COMMISSION

ATTEST:



JOHN BENOIT
Executive Officer

APPROVED AS TO FORM:



David J. Ruderman
Counsel

APPENDIX "A"
DESIGNATED OFFICERS AND EMPLOYEES – 2017

<u>DEPARTMENT/POSITION</u>	<u>DISCLOSURE CATEGORY</u>
Commissioners	
Alternate Commissioners	
Executive Officer	
General Counsel and Alternate Counsel	
Consultants*	

CONSULTANTS

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

DISCLOSURE CATEGORIES

I = All sources of income, interests in real property, and investments and financial interests in business entities located or doing business in Yuba County by filing an Original Form 700 filed with the Yuba LAFCO's Executive Officer.



1451 River Park Drive, Ste 185
Sacramento, CA 95815
(916) 442-6536

NOMINATION OF 2024 CALAFCO VOTING DELEGATE

The Local Agency Formation Commission of the below named county, hereby nominates and names the following Commissioners as its duly authorized voting delegate and alternate for purposes of the 2024 CALAFCO Board of Directors election to be held on Thursday, October 17, 2024, during the CALAFCO Regional Caucus and Annual Meeting in Fish Camp, California.

County Name:

Yuba

Delegate:

Alternate:

Appointment Authorized by:

Name of individual completing form on behalf of the LAFCo:

Paige Hensley

Will your delegate or alternate be attending the CALAFCO Annual Conference?

Yes:

No:

PLEASE RETURN COMPLETED FORM BY SEPTEMBER 16, 2024 TO:

René LaRoche via email to: rlaroch@calafco.org

Late submissions will NOT be accepted.