

YOLO LOCAL AGENCY FORMATION COMMISSION

RESOLUTION № 2019-05

Approving the City of Davis Annexation of the West Davis Active Adult Community Project (APN 036-060-005), Detaching the Territory from the Springlake Fire Protection District and Waiving Conducting Authority Proceedings (LAFCO № 932)

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, set forth in Government Code Sections 56000 et seq., governs the organization and reorganization of cities and special districts by local agency formation commissions (LAFCo) established in each county, as defined and specified in Government Code Sections 56000 et seq. (unless otherwise indicated all statutory references are to the Government Code); and

WHEREAS, Government Code Section 56375 provides LAFCo with the power to review and approve proposals for "changes in organization" consistent with policies adopted by the commission; and

WHEREAS, Government Code Section 56021 defines "changes of organization" to include annexation to a city, among other actions; and

WHEREAS, the subject parcel is included within the Sphere of Influence for the City of Davis as approved by the Yolo LAFCo; and

WHEREAS, On June 12, 2018, the City of Davis approved the West Davis Active Adult Community Project (Project) and the voters of the City of Davis, on November 6, 2018, ratified the General Plan Amendment and the Baseline Project Features for the Project; and

WHEREAS, Government Code Section 56650 authorizes proceedings for a change of organization to be initiated by a Resolution of Application as adopted by a local agency; and

WHEREAS, on January 8, 2019 the City of Davis adopted a Resolution of Application to request LAFCo annexation of the West Davis Active Adult Community Property (APN: 036-060-05); and

WHEREAS, the proposal application was submitted to Yolo LAFCo on February 8, 2019; and

WHEREAS, the project is subject to a negotiated exchange per Revenue and Taxation Code Section 99(b)(1) and the City of Davis and Yolo County have executed a property tax exchange agreement; and

WHEREAS, the project was routed to all subject, affected and interested agencies and no concerns or objections were received; and

WHEREAS, a Certificate of Filing was issued on March 20, 2019; and

WHEREAS, Government Code Section 56662 allows LAFCo to approve an annexation without notice and hearing, and may waive protest proceedings entirely if: the territory is uninhabited; an affected local agency has not submitted a written demand for hearing; and there is 100% landowner approval; and

WHEREAS, notwithstanding Government Code Section 56662, a public notice was published in the Davis Enterprise and mailed to all landowners of the subject territory including a 300' radius; and

WHEREAS, the project was analyzed in accordance with all applicable sections of the Cortese-Knox-Hertzberg Act, LAFCo Standards of Evaluation and Agricultural Policy, and all other matters presented as prescribed by law; and

WHEREAS, the Executive Officer reviewed the proposal and prepared and filed a report with recommendations with this Commission at least five (5) days prior to the date of the April 25, 2019 meeting during which the project was set to be considered; and

WHEREAS, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony, protests, objections, and any other information concerning the Proposal and all related matters; and

WHEREAS, at said meeting, the Commission reviewed and considered the CEQA documentation and the Executive Officer's Report including all the information, recommendations, findings and conditions contained therein.

NOW, THEREFORE, BE IT RESOLVED that the Yolo Local Agency Formation Commission approves the City of Davis Annexation of the West Davis Active Adult Community Project and detaching the territory from the Springlake Fire Protection District (LAFCo № 932) as illustrated in Exhibit A and hereby waives conducting authority proceedings pursuant to Government Code Section 56662 subject to the following findings and conditions of approval:

Findings

1. **Finding:** The annexation was considered and analyzed in accordance with the required factors listed in Government Code Section 56668 and Yolo LAFCo Standards of Evaluation for proposals (Yolo LAFCo Project Policies Section 2.0).

Evidence: The proposed annexation area is within the City's sphere of influence and is a logical and orderly extension of the City's urban area. The proposed development will need urban services and the City has the capacity and is the appropriate agency to provide services (as opposed to the County). The Project is consistent with the City's general plan land use designations. The City's Environmental Impact Report (EIR) analyzes the capacity and availability of public services and utilities and concludes that the City has capacity to serve the project. There is no indication that the City would not have capacity to additionally serve any future adjacent areas in its sphere of influence. The project is consistent with the regional growth projections prepared by the Sacramento Area Council of Governments (SACOG). Additionally, the City's requirements associated with the 1% Growth Policy and the City's Phased Allocation Ordinance would ensure that the population growth associated with the Project is consistent with the City's growth management requirements. The Project would provide 150 affordable housing units. The Project site is currently undeveloped and has been previously used for agricultural uses. The Project site is designated as Farmland of Local Importance by the California Department of Conservation's Farmland Mapping and Monitoring Program. The Soil Survey of Yolo County, shows that the project site contains Capability Class IV (non-irrigated) soils, and Class I-IV (irrigated soils) which indicate the soils have very severe limitations that restrict the choice of plants or that require very careful management, or both. The Project site is not under a Williamson Act contract, nor are any of the parcels that are located immediately adjacent to the Project site. Even though the Project site soils have limitations, the City's EIR mitigation measures require a minimum ratio of 2:1 set aside as an agricultural conservation easement conforming with LAFCo policy. Notwithstanding, the EIR concludes that impacts to agricultural land remains significant and

unavoidable. The City and County have approved a property tax exchange agreement. Therefore, staff concludes that the annexation proposal complies with required state factors and local standards of evaluation.

2. **Finding:** Government Code Section 56662 allows LAFCo to approve an annexation without notice and hearing, and may waive protest proceedings entirely if: the territory is uninhabited; an affected local agency has not submitted a written demand for hearing; and there is 100% landowner approval.

Evidence: The application (LAFCo No 932) includes the written consent forms signed by the landowner that comprises 100% of the affected territory. Additionally, the territory is uninhabited pursuant to the definition of inhabited in Section 56046 of Cortese-Knox-Hertzberg and no written demand for notice and hearing was received from an affected located agency during the notice period. The Springlake Fire Protection District submitted a written response indicating it has no objections to detachment.

Conditions of Approval

1. The applicant and the real party of interest, if different, agree to defend, indemnify, hold harmless and release the Yolo County Local Agency Formation Commission, its agents, officers, attorney and employees from any claim, action or proceeding brought against any of them, the purpose of which to attack, set aside, void, or annul the approval of this application or adoption of the environmental review which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the Yolo County Local Agency Formation Commission its agents, officers, attorney or employees.
2. The project will be subject to all appropriate LAFCo, State Board of Equalization, and County Clerk-Recorder fees prior to recording the Certificate of Completion for the City of Davis annexation of the West Davis Active Adult Community Project and detachment from the Springlake Fire Protection District (LAFCO № 932).
3. The effective date of the approval of this annexation/detachment is five (5) days after the date the Certificate of Completion is recorded by the County Recorder.

PASSED AND ADOPTED by the Yolo Local Agency Formation Commission, State of California, this 25thth day of April 2019, by the following vote:

Ayes:
Noes:
Abstentions:
Absent:

Olin Woods, Chair
Yolo Local Agency Formation Commission

Attest:

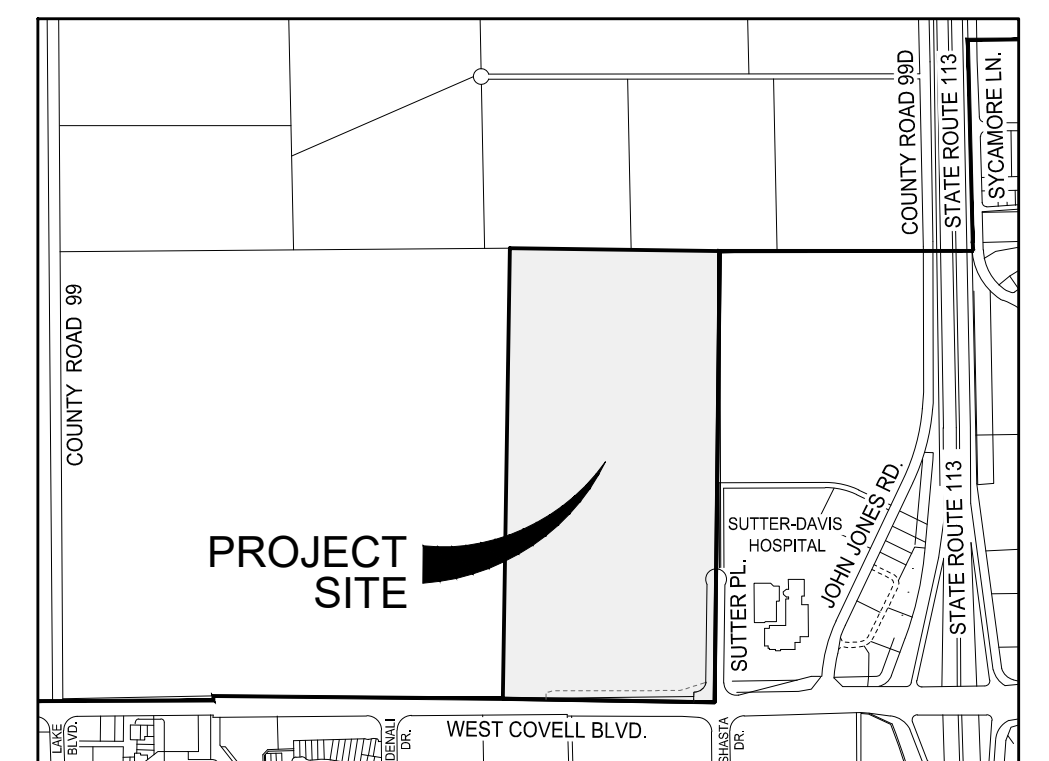
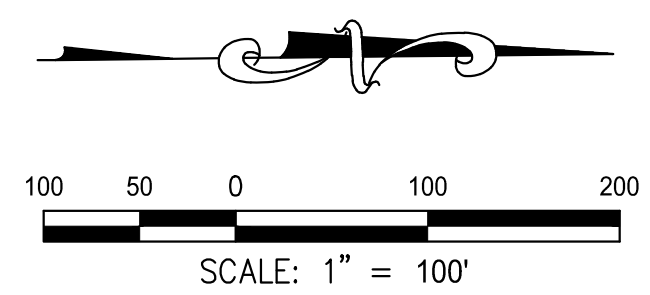
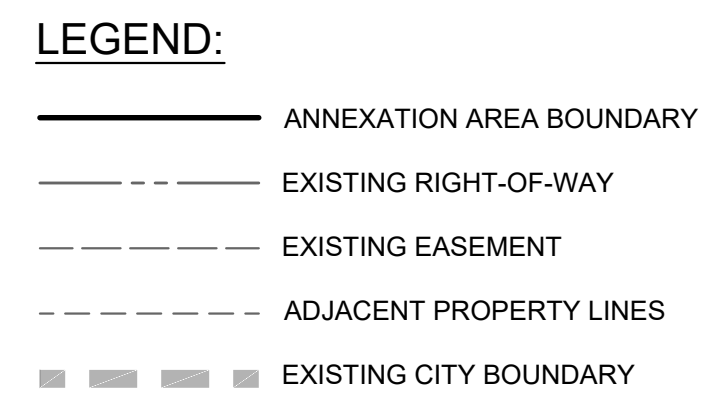
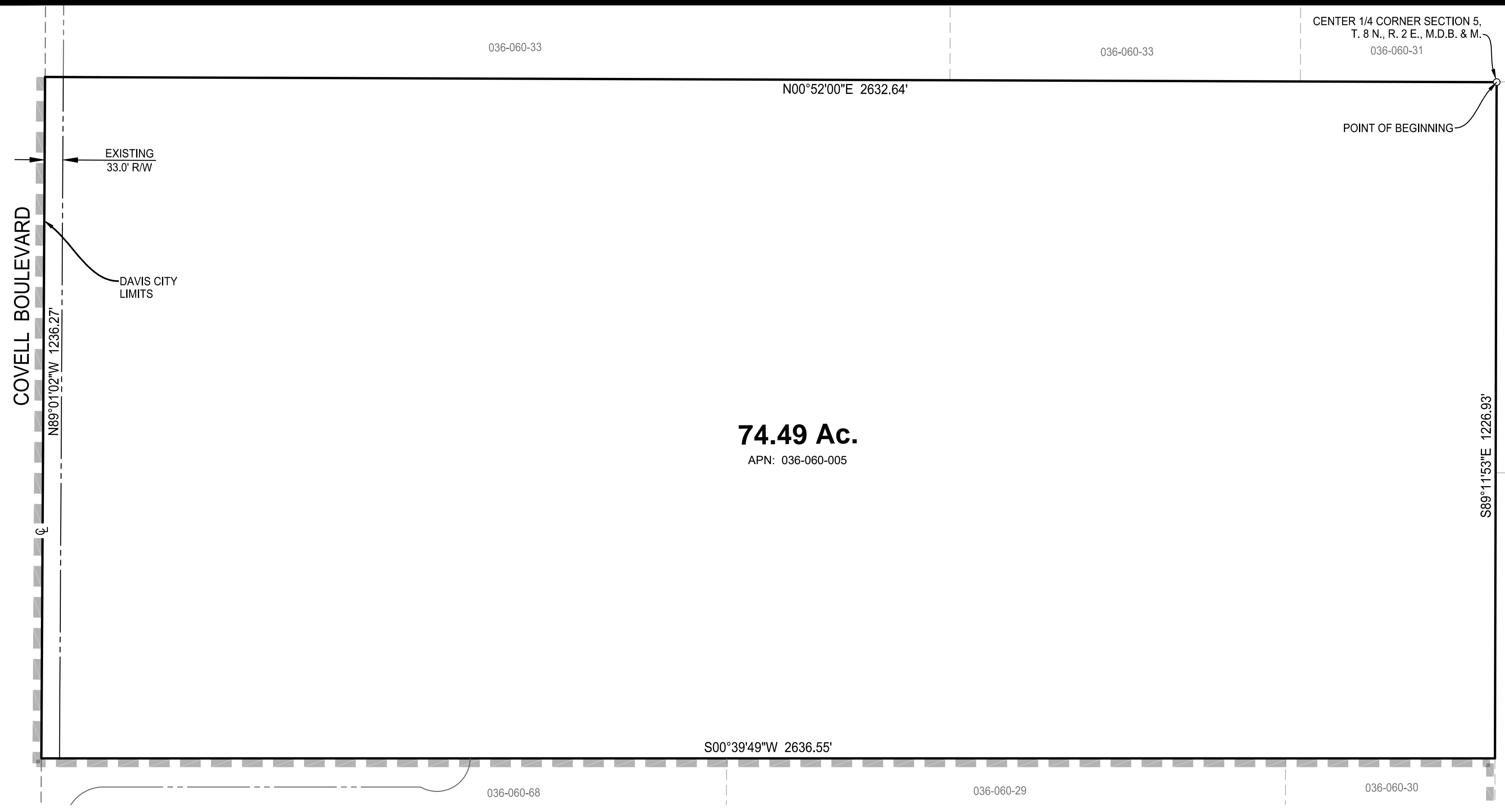


Christine Crawford, Executive Officer
Yolo Local Agency Formation Commission

Approved as to form:



Eric May, Commission Counsel



ANNEXATION PROPERTY DESCRIPTION:

THAT CERTAIN PROPERTY WITHIN TOWNSHIP 8 NORTH, RANGE 2 EAST, SECTION 5, M.D.B. & M., YOLO COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER ONE-QUARTER CORNER OF SAID SECTION 5; THENCE THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 89°11'53" EAST, 1,226.93 FEET;
- 2) THENCE SOUTH 00°39'49" WEST, 2,636.55 FEET;
- 3) THENCE NORTH 89°01'02" WEST, 1,236.27 FEET;
- 4) THENCE NORTH 00°52'00" EAST, 2,632.64 FEET TO THE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 3,244,753 SQ. FT. (74.49 AC.), MORE OR LESS.

APN:
036-060-005

ENGINEER'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION FOR THE SOLE PURPOSE OF DEFINING AN ANNEXATION BOUNDARY. IT WAS COMPILED FROM A VARIETY OF RECORD INFORMATION OF UNCERTAIN ACCURACY AND DOES NOT PURPORT TO CORRECTLY REPRESENT LAND TITLE OR OWNERSHIP LINES. DIMENSIONS GIVEN ARE APPROXIMATE ONLY.

CHARLES W. CUNNINGHAM



L.A.F.C.O. _____ DATE _____ RESOLUTION NO. _____

	WEST DAVIS ACTIVE ADULT COMMUNITY 39660 W. COVELL BOULEVARD, DAVIS, CALIFORNIA ANNEXATION MAP	
	DESIGNED: - DRAWN: LE CHECKED: BF	SCALE: DATE: 12/28/2018
	SHEET 1 OF 1 SHEETS	

EXHIBIT "A"

PROPERTY DESCRIPTION

Page 1 of 1

ANNEXATION PROPERTY DESCRIPTION

A portion of that property within Township 8 North, Range 2 East, Section 5, M.B.D. & M., Yolo county, California, identified as "Daniel K. Dowling 1711 OR 273" as shown on that certain Record of Survey, filed in Book 13 of Maps and Surveys, at Page 8 in the office of the Yolo County Recorder, Yolo County, California, being more particularly described as follows:

Beginning at the center one-quarter corner of said Section 5; thence the following four (4) courses:

- 1) South 89°11'53" East, 1,226.93 feet;
- 2) Thence South 00°39'49" West, 2,636.55 feet;
- 3) Thence North 89°01'02" West, 1,236.27 feet;
- 4) Thence North 00°52'00" East, 2,632.64 feet to the **Point of Beginning**.

Said property contains 3,244,753 Sq. Ft. (74.49 Ac.), more or less.

Note: The Basis of Bearings for this Property Description is the same as said Record of Survey.

End of description for Annexation Property Description

Prepared by: Cunningham Engineering Corp.
January, 2019

