



Consent 6.

LAFCO

Meeting Date: 03/31/2022

Information

SUBJECT

Receive for information purposes application No. 22-01 for the El Macero County Service Area (EMCSA) Sphere of Influence (SOI) Amendment and Annexation of 27384 Eagle View Court, pursuant to GC §56857(a)

RECOMMENDED ACTION

Receive information, pursuant to GC §56857(a), on the latest application received, the El Macero County Service Area (EMCSA) Sphere of Influence (SOI) Amendment and Annexation of 27384 Eagle View Court (LAFCo No. 22-01).

FISCAL IMPACT

The deposit to process the application has been paid by the applicants, Eric and Kate Stille.

REASONS FOR RECOMMENDED ACTION

This staff report provides the Commission and the EMCSA with formal notice of the receipt of a new application (see attached) pursuant to Government Code Section 56857(a). Because the proposal was not filed by the district to which annexation of territory is proposed, consistent with Government Code section 56857, this proposal was placed on the agenda for information purposes only and a copy of the application has been transmitted to the EMCSA to either, a) adopt and transmit to the commission a resolution requesting termination of the proceedings or b) adopt and transmit to the commission a resolution supporting the proposed change of organization. Staff fully expects the EMCSA to support the SOI amendment and the annexation as water and sewer services are already being rendered to the Stille property through an out of agency agreement approved by the Commission on July 23, 2020.

BACKGROUND

This application, by applicants Eric and Kate Stille, was received on February 4, 2022, and would amend the EMCSA's SOI and annex one parcel totaling 5.007 acres into the District with 100% landowner consent. This parcel is adjacent to the southeast corner of El Macero and will have access to EMCSA services.

Pursuant to Government Code Section 56658(b), staff gave mailed notice that the application was received and requested information from each affected local agency, the county committee on school district organization, and each school superintendent whose school district overlies the affected territory. The notice generally described the proposal and the affected territory.

Attachments

Stille Annexation Application (LAF22-01) 02.04.22

Form Review

Inbox

Christine Crawford

Form Started By: Terri Tuck

Final Approval Date: 03/23/2022

Reviewed By

Christine Crawford

Date

03/23/2022 11:34 AM

Started On: 03/22/2022 01:59 PM

RECEIVED

FEB 04 2022

YOLO LAFCO



YOLO LOCAL AGENCY FORMATION COMMISSION
 625 Court Street, Suite 107
 Woodland CA 95695
 (530) 666-8048
 lafco@yolocounty.org
 www.yololafco.org

PROPOSAL APPLICATION

Includes: Changes of Organization/Reorganization (Incorporation, Formation, Annexation, Detachment, Dissolution, or Consolidation), Out of Agency Service Reviews, Sphere of Influence Amendment, and Expansion of District Powers

This application is designed to be used for all proposals received by the Commission. If a question is not applicable to your proposal, please note accordingly.

A) An application is hereby made for changes involving the following cities and special districts:

Action: (ex. annexation, detachment)		Agency:
Annexation	to/from	El Macero CSA
Sphere of Influence Amendment	to/from	El Macero CSA
	to/from	

B) Proposal Detail (submit separate attachment if necessary):

This is an application to annex the property at 27384 Eagle View Court to the El Macero County Service Area, and to amend the Sphere of Influence of the El Macero County Service Area consistent therewith.

C) This proposal includes:

- | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|
| | YES | NO |
| 1) 12 or more registered voters: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) 100% consent of property owners: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

D) Is this proposal consistent with the adopted Sphere of Influence of all affected agencies? If no, this application must include a Sphere of Influence Amendment.

E) If the proposal includes a Change of Organization/Reorganization, the following items must be submitted with this application:

- 1) A **resolution of application** adopted by an affected city or special district; OR a **petition** of landowners or registered voters (*the Notice of Intent to Circulate a Petition and the Petition forms are located separately under Application Materials on the LAFCo website*).

- 2) One 8.5 x 11 hard copy (plus a high-resolution digital file) of a map and the metes-and-bounds description of the perimeter of the territory subject to a jurisdictional change for review and approval by LAFCo's Surveyor. Please see the Board of Equalization Requirements posted on the LAFCo website for map requirements. If there are questions regarding the "territory subject to a jurisdictional change" for the proposal, please contact LAFCo.
- 3) Environmental Documents:
 - a) If a Negative Declaration or Environmental Impact Report (EIR) has been prepared by another agency for a project associated with this proposal, submit one copy to LAFCo with this proposal.
 - b) If no environmental document has been prepared, please complete the *Environmental Questionnaire*.
- 4) City Proposals:
If the proposal includes annexation to a city, submit one copy of the city's resolution or ordinance pre-zoning the subject territory. LAFCo cannot consider the proposal until pre-zoning has been completed.
- 5) Existing Housing: For all city annexations that include areas that are inhabited (territory where 12 or more registered voters reside) or developed, include the number of existing housing units within the proposed city's annexation area as of the date in the resolution.

Annexing City:	
Detaching City/County:	
Total Housing Units:	

- 6) Property Tax Revenues:
If the proposal involves an annexation to a city and/or changes in district boundaries, negotiations for any exchange of property tax revenues *must be completed by the County and any affected city prior to LAFCo action*. For those proposals, LAFCo will notify the affected agencies after receiving your application and will provide preliminary information to begin the negotiations process.
- 7) Indemnification:
LAFCo requires that applicants indemnify LAFCo from litigation costs as a condition of submitting an application. The *Indemnification Agreement* is included in this application.
- 8) Deposit:
Fees will be charged for all Commission proceedings and actions at the Commission's actual costs (including overhead). *All Fee Schedules are located separately under Application Materials on the LAFCo website.*

All deposit fees listed are required to be paid by the applicant upon submittal of a proposal. A proposal with multiple actions requires a deposit for each action. If a proceeding is not listed, it will be subject to an initial fee as estimated by the Executive Officer. Any additional expenses incurred by the Commission, in excess of the deposited amount, will be billed to and paid by the applicant before completion of the LAFCo proceedings, including, but not limited to, consultant costs, feasibility studies, final recordation, and filings. Billing will be based on hourly rates. If a proposal is abandoned or terminated for any reason, the deposit amount not expended prior to that termination point will be refunded to the applicant.

Fees due to the State of California, including State Board of Equalization and the Department of Fish and Wildlife CEQA filing fees, will be paid by the applicant at the appropriate time and prior to final recordation of the Certificate of Completion.

JUSTIFICATION

- F) In as much detail as possible, please explain why this proposal is necessary and/or beneficial at this time. Attach additional detail if necessary. (For example, a proposed development or existing residences might require services not currently provided or available.)

On July 23, 2020, Yolo Local Agency Formation Commission approved a request by Eric and Kate Stille (27384 Eagle View Court, APN 033-011-024) for an Out-of-Agency Service Agreement to receive City of Davis water and sewer services. Because the Stilles utilize and benefit from the services provided by the El Macero County Service Area, the Stilles believe it is appropriate that the subject property be included in the County Service Area and that they contribution appropriately to such services.

- G) Is this application proposed to carry out a development project? If so, describe the project.

No.

- H) Indicate below all discretionary approvals or permits from a city, the County, or another agency that will be needed to complete the project. If already approved, please indicate the date of approval and attached the adopted conditions of approval.

	Project File Number	Date of Approval
City or County Plan Amendment		
Pre-zoning (City)/rezoning		
Tentative Subdivision Map		
Minor Land Division		
Other		

SITE DESCRIPTION

- I) Describe the general location and physical features of the territory included in this proposal. Refer to major roads, watercourses, and topographical features.

See Exhibit A. The property includes a residential dwelling and vineyards.

J) How many acres (or square miles) of territory are included in the proposal? 5 acres

K) How many people live in the subject territory? 2

L) How many registered voters live in the subject territory? 2

LAND USE INFORMATION

M) General Plan and Zoning:

What is the current General Plan designation? AG

What is the current zoning? A-N

N) Proposed Land Use:

Will the territory be developed with proposed approvals? YES NO

If no development is planned at this time, is development of the area anticipated? If so, when?

No additional development is anticipated at this time.

PLAN FOR PROVIDING SERVICES

O) List the agencies providing existing and proposed services to the territory. If not applicable or no change, please indicate accordingly.

SERVICE TYPE	Existing	Proposed
Agricultural Water	Well	no change
Cemetery Service	n/a	n/a
Fire Protection/ Emergency Response	City of Davis	no change
Flood Protection	n/a	n/a
Municipal Water Service	City of Davis	El Macero CSA
Parks and Recreation	n/a	n/a
Police Protection	Yolo County	no change
Sewer Service	City of Davis	El Macero CSA
Solid Waste and Recycling	City of Davis	no change

If so, please indicate taxpayer cost:

T) Will the territory be subject to any new or additional taxes, benefit charges, or fees?

YES NO

If so, please explain:

The parcel will be subject to El Macero County Service Area fees.

PROPONENT INFORMATION

LAFCo will consider the person signing this application as the proponent of the proposed action(s). Notices and other communications regarding this application will be directed to the proponent at:

Name:	Eric and Kate Stille		
Address:	27384 Eagle View Court		
City:	Davis	Zip:	95618
Phones:	Work: 530-399-3302	Fax:	
	Cell: 530-304-5802	Home:	
email:	eric.stille@nuggetmarket.com		
Signature:			

List any other person or agent who should be contacted concerning questions and any notifications for this proposal (attach additional if needed):

Name:	Kirk Trost, Sloan Sakai Yeung & Wong LLP		
Address:	555 Capitol Mall, Suite 600		
City:	Sacramento	Zip:	95814
Phones:	Work:	Fax:	
	Cell: 916-213-7933	Home:	
email:	ktrost@sloansakai.com		
Signature:			

DISCLOSURES FOR POLITICAL CONTRIBUTIONS

Pursuant to Government Code Sections 56100.1, 56700.1 and 57009, contributions and expenditures for political purposes related to a proposal or proceeding before LAFCo, including for a change of organization or reorganization or any proposal at the conducting authority stage of the LAFCO process (Reportable LAFCo Proceeding), are subject to the reporting and disclosure to the same extent as required for local initiative measures under the Political Reform Act (PRA), Government Code Section 81000 et seq., and the regulations of the Fair Political Practices Commission (FPPC) implementing that law.

Any applicant, opponent, or participant to a Reportable LAFCo Proceedings shall submit to the LAFCo Executive Officer all disclosures required by the PRA of contributions or expenditures for political purposes related to that LAFCo Proceeding. The disclosures may be submitted to LAFCo up to 7 calendar days after filing with the FPPC, but in no event later than 9:00 a.m. of the hearing of the Reportable LAFCo Proceeding.

All parties and participants on a matter to be heard by the Commission that have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months must disclose this fact, either orally or in writing, for the official record as required by Government Code Section 84308.

Contributions and expenditures for political purposes related to any proposal or proceedings before LAFCo are subject to the reporting requirements of the Political Reform Act and the Fair Political Practices Commission, and must be disclosed to the Commission prior to the hearing on the matter.

For further assistance, contact the Fair Political Practices Commission at 428 J Street, Suite 450, Sacramento, CA 95814, (866) 275-3772 or at <http://www.fppc.ca.gov>.

YOLO
LOCAL
AGENCY
FORMATION
COMMISSION

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www.yololafco.org



INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest if different, agree to defend, indemnify, hold harmless, and release the Yolo Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document, 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 on the part of the Yolo Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at Davis _____, California on, 1/28/22 _____
City Date

APPLICANT: Eric and Kate Stille

Signature: _____

Title:

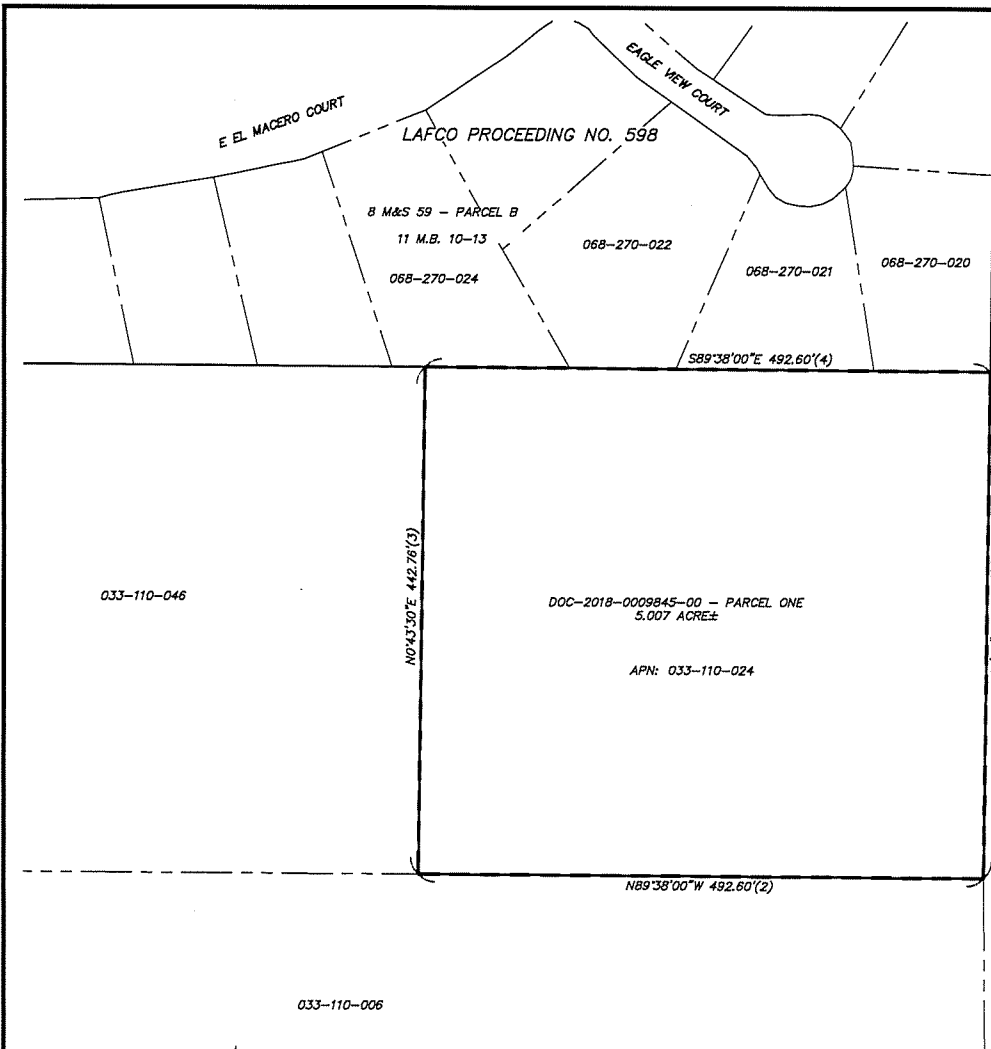
Mailing Address: 27384 Eagle View Court
Davis, CA 95618

REAL PARTY INTEREST:
(If different from Applicant)

Signature: _____

Title:

Mailing Address:

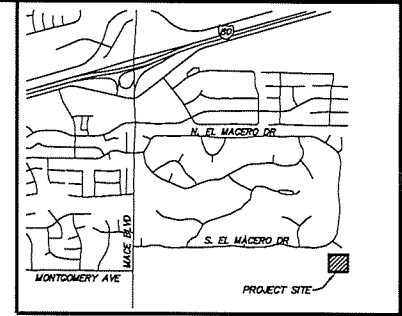


NOTES:

1. A BOUNDARY SURVEY WAS NOT PERFORMED IN THE CREATION OF THIS MAP.
2. THE ACREAGE SHOWN HEREON IS APPROXIMATE

LEGEND:

- NEW DISTRICT BOUNDARY
- - - EXISTING DISTRICT BOUNDARY



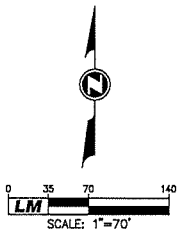
VICINITY MAP
NTS

BOUNDARY DESCRIPTION:

THAT PORTION OF REAL PROPERTY SITUATE IN THE COUNTY OF YOLO, STATE OF CALIFORNIA, AND BEING A PORTION OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 3 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND ALSO BEING ALL OF PARCEL ONE AS DESCRIBED IN DOCUMENT NO. 2018-0009845-00, SAID COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LAFCO PROCEEDING NO. 598, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PARCEL B AS SHOWN IN BOOK 8 OF MAPS & SURVEYS AT PAGE 59; THENCE FROM SAID POINT OF BEGINNING AND ALONG THE EAST LINE OF SAID PARCEL ONE, 1) SOUTH 00°43'30" WEST 442.76 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL ONE; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL ONE, 2) NORTH 89°38'00" WEST 492.60 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL ONE; THENCE, ALONG THE WEST LINE OF SAID PARCEL ONE, 3) NORTH 00°43'30" EAST 442.76 FEET TO THE SOUTH LINE OF SAID LAFCO PROCEEDING NO. 598; THENCE, ALONG SAID SOUTH LINE, 4) SOUTH 89°38'00" EAST 492.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.007 ACRES OF LAND, MORE OR LESS



APPROVED BY LAFCO
LAFCO PROCEEDING NO. _____

CHAIRMAN _____ DATE _____

ANNEXATION TO
EL MACERO COUNTY SERVICE AREA
LOCATED IN A PORTION OF SECTION 18 TOWNSHIP 8
NORTH, RANGE 3 EAST MOUNT DIABLO MERIDIAN
YOLO COUNTY, CALIFORNIA

LM LAUGENOUR AND MEIKLE
CIVIL ENGINEERING • LAND SURVEYING • PLANNING
808 COURT STREET, WOODLAND, CALIFORNIA 95695 • PHONE: (530) 862-1755
P.O. BOX 828, WOODLAND, CALIFORNIA 95778 • FAX: (530) 862-4802



ENVIRONMENTAL QUESTIONNAIRE

Please answer the following questions and return with your application. Attach additional sheets as needed. All questions must be answered. Your answers will be used for preliminary environmental review of your project pursuant to the California Environmental Quality Act (CEQA). In order to fully assess the potential effects on the environment from the proposed project, additional information (such as a Phase 1 Environmental Assessment, Traffic Report, Biological Report, Noise Study, etc.) may be required.

- 1) Describe the physical setting of the **project site** as it exists. Include information on topography, soils, vegetation, and wildlife. Also describe any existing structures and uses on the project site.

The project site (27384 Eagle View Court, APN 033-011-024) includes a residential dwelling and appurtenances, as well as a vineyard.

- 2) Describe the physical setting of the surrounding properties as it exists. Include information on topography, soils, vegetation, and wildlife. Also describe any existing structures and uses.

Property sits adjacent to El Macero Country Club on 5 acers. It is zoned Agricultural. The property has 2 1/2 acers of grapes, is located on a flat parcel with a single family residence. One side of the property abuts the back property line of El Macero CC with the other 3 sides abutting ag land.

3) Please disclose any notices of intent to preserve mineral rights that have been recorded on the subject property pursuant to California Civil Code, Section 883.230.

none

4) Does any portion of the proposal area contain any of the following:

	Yes	No		Yes	No
Agricultural Land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mature trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
River or creek?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Slopes greater than 15%?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Riparian corridor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Airport or highway noise contour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
100-year flood line?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Archeological/Historical features or buildings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flood control channel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other unusual features?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5) Will there be a substantial change to any of the following governmental services?

	YES	NO
a) Police?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Sewage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Fire?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Schools?		
g) Parks or other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Other governmental services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answered yes to any of the above, please explain:

Yolo LAFCo Deposit/Fee Schedule

Effective May 1, 2021

LAFCo application charges are established either as a deposit or a single fixed fee for service as noted below. For applications/requests by deposit, actual time charges will be based on staff hourly rates (LAFCo staff rates are calculated by current hourly rate multiplied by a 2.7 markup for overhead costs). All deposits listed are required to be paid by the applicant upon submittal of an application/request. Any additional expenses incurred by LAFCo, in excess of the deposited amount, will be billed to and paid by the applicant before completion of the LAFCo proceedings, including, but not limited to, consultant costs, feasibility studies, final recordation, and filings. If a proposal is abandoned or terminated for any reason, the deposit amount not expended prior to that termination point will be refunded. Fixed fees will not be refunded.

Standard Jurisdictional Changes (Deposit)

Annexation, detachment, dissolution, consolidation, merger, and/or establishment of a subsidiary district (can also include a minor sphere of influence amendment).

Base application deposit (for 1 or more changes listed above):	\$4,000
If protest process is required (i.e. not 100% consent), add:	\$1,600
If application involves agency boundary change(s): <ul style="list-style-type: none"> • Requires LAFCo surveyor review of map/description, cost to revise GIS layer and agency map, add for each contiguous territory/area: • State Board of Equalization Boundary Change Fees (contact LAFCo Executive Officer to confirm fee): 	\$900 Per each BOE Area See BOE rates below
CEQA (this assumes LAFCo is acting as a "Responsible Agency". If LAFCo is the "Lead Agency", see "Other Deposits" below)	\$0
Total application deposit (consult with LAFCo Executive Officer to confirm amount):	TBD

Other Requests (Fee)

Outside Agency Service Extension application fee	\$1,500
District Request to Exercise New Powers or Divest Powers application fee	\$1,500
LAFCo Reconsideration application fee	\$1,000
Request for Time Extension fee	\$500
Fee Waiver Request	Free

Other Jurisdictional Changes (Deposit)

City Incorporation/Disincorporation	Actual time + consultant costs starting with a \$16,000 deposit (covers approximately first 100 staff hours)
District Formation	Actual time + consultant costs starting with a \$11,375 deposit (covers approximately first 75 staff hours)

Other Deposits

CEQA (if LAFCo is Lead Agency and project is not exempt)	Actual time + consultant costs starting with a \$7,400 deposit (covers approximately first 40 hours of EO hours)
Municipal Service Reviews and Sphere of Influence updates (outside of LAFCo's 5-year cycle)	Actual time + consultant costs starting with a \$16,000 deposit (covers approximately first 100 staff hours)

Third-Party Charges Fee quoted as of date schedule published, actual charge is as currently adopted by State

California Department of Fish and Wildlife CEQA Filing Fees (only required if LAFCo is acting as the Lead Agency for CEQA).	ND/MND = \$2,480.25 EIR = \$3,445.25		
State Board of Equalization Boundary Change Fees			
<u>Acreage</u>	<u>Fee</u>	<u>Special Fee Provision</u>	
For each separate area/GIS polygon:		The following transactions may supersede or combine with the fees for single area transactions:	
< 1	\$300		
1.00-5.99	\$350	Additional county, per transaction	\$300
6.00 – 10.99	\$500	Consolidation	\$300
11.00 – 20.99	\$800	Entire district transaction	\$300
21.00 – 50.99	\$1,200	Coterminous transaction	\$300
51.00 – 100.99	\$1,500	District dissolution or name change	\$0
101.00 – 500.99	\$2,000		
501.00 – 1,000.99	\$2,500		
1,001.00 – 2,000.99	\$3,000		
2001.00 or more	\$3,500		

Fees due to the State of California can be paid by the applicant up front or at the appropriate time and prior to final recordation of the Certificate of Completion. State Board of Equalization fees or Department of Fish and Wildlife fees will be refunded if the proposal is not completed (i.e. either withdrawn, denied by LAFCo or otherwise terminated).

If contracting with a consultant or specialized expert is deemed necessary by LAFCo for a proposal, the proponent will be contacted to agree to reimburse LAFCo all contract costs prior to work commencing. LAFCo will determine the consultant through the appropriate selection process, enter into the contract and oversee the management of the contract with the selected consultant.

Request for waivers or exceptions to this schedule must be submitted to the Commission for action prior to work on the proposal commencing. The Commission may reduce or waive deposit/fees if: (1) a financial hardship is demonstrated; and/or if (2) the proposal/request is in response to a LAFCo condition or recommendation.