

11/19 BOS
Lake Local Agency Formation Commission

MEMORANDUM

VIA EMAIL ONLY

DATE: August 6, 2019

TO: Lake County Auditor, Property Tax Division
Lake County Administration, Carol Huchingson
Callayomi County Water District, John Hamner, Manager

FROM: John Benoit, LAFCO Executive Officer 

SUBJECT: **LAFCO 2019-05 - NOTICE OF ANNEXATION REQUEST** Rancheria Annex to the Callayomi County Water District (CCWD)

Note: This annexation project is a reapplication, which was previously reviewed by your office in 2015. The original LAFCo file was 2015-0004.

The Middletown Rancheria has requested annexation of 109.38 acres more or less (APN 014-005-08 to the Callayomi County Water District (CCWD) to receive domestic water services from the Callayomi County Water District for the proposed annexation territory located south Middletown and west of Highway 29. The Rancheria property contains the Twin Pine Casino and Hotel, a government administration complex, tribal member's homes, and a commercial property for future development.

Attached you will find a CCWD Resolution initiating the annexation process, a map and boundary description of the boundaries of the proposed territory submitted to me for the purpose as indicated by the above subject title.

This letter constitutes notice to commence property tax negotiations under Revenue and Taxation Code §99(b). LAFCO is requesting information from the County Auditor to be used in the procedure to conclude an agreement for reallocation of property tax revenue. The County Assessor has been asked to forward to the Auditor the Assessed Valuations and the Tax Rate Areas of the properties to be annexed within 30 days from the date of this letter.

The affected agencies must agree on how the property taxes will be reallocated for this annexation proposal as described in Section 99. Since this annexation involves a district, the County shall negotiate on behalf of that district, but not before consulting with all affected agencies. The County Auditor has the responsibility under Section 99 to provide information within 45 days from the date of this letter to the County Administrator and the affected agencies, who have 60 days from the date of receipt of the Auditor's letter to

Auditor respond by 9/19
9/25/19 Still awaiting Assessor
10/11/19 Rec'd from Assessor 10/3/19

Lake Local Agency Formation Commission

conclude a negotiated agreement and an additional 30 days should a request for an extension be submitted to LAFCO. Such an agreement is required prior LAFCO issuing a certificate of filing for this application and proceeding with the consideration of the annexation.

Please complete the procedure in Revenue and Taxation Code Section 99 (b) and provide LAFCO with the resulting resolution adopted by the County Board of Supervisors, and any other special district, as applicable. I will then commence the procedure for processing this annexation request through LAFCO.

RESOLUTION NO. 7-06-19

A RESOLUTION OF THE CALLAYOMI COUNTY WATER DISTRICT REQUESTING THE LAKE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF THE MIDDLETOWN RANCHERIA

WHEREAS, Callayomi County Water District ("District") desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation of the Middletown Rancheria ("Rancheria") of Pomo Indians of California (the "Tribe"); and

WHEREAS, the District currently provides limited municipal water services to the Rancheria through an initial existing agreement and a recent out-of-area service agreement with the Tribe to provide water services to housing units at the Rancheria; and

WHEREAS, the Tribe desires the District to continue to provide water services to its current Rancheria property and a property known as the "Martin Ranch" property, and has requested the District move forward with annexing the properties (collectively, "Tribal Property"); and

WHEREAS, the District has sufficient water rights and an adequate supply of water to support further build-out and expansion of the District; and

WHEREAS, the annexation of the Tribal Property will allow the District to provide enhanced municipal water services to an inhabited area that has no other means of acquiring such services; and

WHEREAS, the District is requesting the Lake Local Agency Formation Commission ("LAFCo") authorize the District annex the Tribal Property to provide the Tribe municipal water service; and

WHEREAS, at the time and in the manner provided by law, the General Manager gave notice of the date, time, and place of a public hearing by the District Board of Directors to initiate these proceedings; and

WHEREAS, a notice of intent to adopt this resolution of application has not been given to each interested and subject agency; and

WHEREAS, there are no affected cities or districts within the meaning of Subdivision (2) of Section 56700 of the Government Code; and

WHEREAS, the territory proposed to be annexed is inhabited and a map and description of the boundaries of the property is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the sphere of influence of the District; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have been met; and

WHEREAS, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

1. All costs incurred to complete the annexation including but not limited to Lake LAFCo and the State Board of Equalization costs will be borne by the Tribe.
2. All impact mitigation fees will be applied to any construction on this property after the completion of the annexation.
3. Terms of water service to the property shall be set forth in a services agreement executed by the Tribe and District; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the District as follows:

Section 1. The Board of Directors hereby finds and determines that the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution as though fully set forth herein.

Section 2. The Board of Directors hereby acknowledges that District is the lead agency pursuant to State CEQA Guidelines Section 15367. Pursuant to State CEQA Guidelines Section 15381, the District is not a responsible agency for purposes of the Annexation because the District will merely continue to provide water service to housing units on the Tribal Property. Under State CEQA Guidelines sections 15378(b)(5) and 15319, the District's submission of the annexation application does not constitute a "project" subject to environmental review under CEQA. The submission of the application is merely an organizational / administrative activity of the District and LAFCo with no impact on the environment.

This project is also exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

Section 3. The Board of Directors directs staff to submit an application to the Local Agency Formation Commission of Lake County initiating the Annexation as set forth in this Resolution of Application, pursuant to the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section 4. The Board hereby authorizes the General Manager prepare the necessary LAFCO application documents, conduct investigations, and file such application, as applicable.

Section 5. The Board of Directors directs staff to file a Notice of Exemption with the County Clerk for the County of Lake within five (5) working days of the date of this Resolution.

Section 6. The Secretary to the Board shall certify to the passage and adoption of this resolution and the same shall take effect and be in force upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the Callayomi County Water District on this 13th day of June, 2019 by the following vote:

AYES: 4
NOES: ~~0~~
ABSTAIN: —
ABSENT: 1



Fred Hartnett, Board President

ATTEST:



Meri Browning, District Secretary

EXHIBIT "A"
MIDDLETOWN RANCHERIA ANNEXATION TO THE
CALLAYOMI COUNTY WATER DISTRICT

DRAFT

TRACT ONE

ALL THAT CERTAIN LAND REFERRED TO HEREIN BELOW SITUATE IN CALLAYOMI RANCHO IN THE UNINCORPORATED AREA OF THE, COUNTY OF LAKE, STATE OF CALIFORNIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT "19TH STATION" (A TWIN 15 INCH MADRONE TREE); THENCE, (1) NORTH 41°38'47" WEST, 3285.01 FEET TO THE MOST SOUTHERLY POINT AS SHOWN ON A MAP FILED ON MARCH 6TH 2007 IN BOOK 81 OF RECORDS OF SURVEYS, AT PAGE 32, OFFICE OF THE LAKE COUNTY RECORDER, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; THENCE, (2) NORTH 42°02'33" WEST, 928.42 FEET; THENCE, (3) NORTH 48°32'20" EAST, 1039.77 FEET; THENCE, (4) NORTH 41°04'48" WEST, 1033.77 FEET; THENCE, (5) NORTH 48°54'10" EAST, 2154.88 FEET MORE OR LESS TO A POINT ON THE WEST RIGHT-OF-WAY OF STATE HIGHWAY 29; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES:

(6) SOUTH 26°46'03" EAST, 27.39 FEET;
THENCE, (7) SOUTH 32°25'00" WEST, 34.64 FEET;
THENCE, (8) SOUTH 27°35'00" EAST, 30.00 FEET;
THENCE, (9) SOUTH 87°35'00" EAST, 34.64 FEET;
THENCE, (10) SOUTH 27°35'00" EAST, 887.68 FEET;
THENCE, (11) SOUTH 06°37'57" WEST, 30.23 FEET;
THENCE, (12) SOUTH 27°35'00" EAST, 40.00 FEET;
THENCE, (13) SOUTH 61°48'02" EAST, 30.23 FEET;
THENCE, (14) SOUTH 27°35'00" EAST, 977.62 FEET;

DRAFT

THENCE, (15) LEAVING SAID RIGHT-OF-WAY SOUTH 49°22'01" WEST, 2700.91 FEET TO THE **POINT OF BEGINNING**. CONTAINING 109.38 ACRES MORE OR LESS.

NOTE: THIS LEGAL IS FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

DRAFT

ATTACHMENT B

Statement of Justification

The purpose of the requested reorganization is to expand existing water services. The Callayomi County Water District ("District") has provided limited municipal water services to the Middletown Rancheria ("Rancheria") of Pomo Indians of California (the "Tribe") since 1984. The Tribe approached the District regarding annexation of the Rancheria, a property known as the "Martin Ranch" property, and other parcels the Tribe is in the process of purchasing that have not yet become sovereign tribal land. The District and Tribe have initiated discussions on the terms and conditions of the LAFCO process and service.

The District has an existing agreement with the Tribe to provide water services to 30 housing units at the Rancheria. The Tribe is experiencing a housing crisis and requested the District provide additional water service for the 15 additional units. Lake County LAFCO approved an out-of-area service agreement pursuant to California Government Code Section 56133 authorizing the District to provide extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or residents of the affected territory.

The Tribe has requested the District move forward with annexing the current Rancheria and the "Martin Ranch" property as required by LAFCO approval of the out-of-area service agreement (collectively, "Tribal Property"). The District has an adequate supply of water to support the current number of permitted connections. The District's annexation of the Tribal Property will allow the District to provide water services in the same manner and through the same facilities as those provided to the portions of the Rancheria currently serviced. Further controlled build-out and expansion would require District approval as set forth in the draft services agreement.

Carol Huchingson

From: John Benoit <j.benoit4@icloud.com>
Sent: Tuesday, August 6, 2019 11:04 AM
To: John Hamner; Carol Huchingson; Cathy Saderlund
Cc: Richard Ford
Subject: AB-8 Request for Review and action
Attachments: Reso CCWD 7.06.19 Rancheria Annx.pdf; 2018-0005 AB 8 letter Co, Auditor.pdf