

Resolution # 2019-0007

**LAKE LOCAL AGENCY FORMATION
STATE OF CALIFORNIA**

A Resolution Making Determinations and Approving the Annexation of 147.14 acres more or less to the Hidden Valley Lake Community Services District – LAFCo File 2019-02 – Valley Oaks

WHEREAS, Kimco Development (Valley Oaks) has filed an application to annex 147.14 acres into the Hidden Valley Lake Community Services known as LAFCO File 2019-0002, Valley Oaks annexation. This property is described and depicted in Exhibits "A" and "B", attached hereto and incorporated herein and filed with the Executive Officer of the Lake Local Agency Formation Commission pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 *et seq* of the Government Code); and

WHEREAS, said formation of the Hidden Valley Lake Community Services District was approved to provide domestic water and wastewater services permitted by section 61000 *et seq.* of the Government Code for a Community Services District; and

WHEREAS, this Commission has authority to approve this annexation to said Community Services District without notice and without an election where all property owners in said territory consent to said annexation or when all registered voters and landowners within the territory have been given notice and no written protests have been received; and

WHEREAS, the Executive Officer has waived notice and hearing as allowed under Government Code Section 56662; and

WHEREAS, County of Lake prepared and certified as the Lead Agency an EIR for the Valley Oaks project including a General Plan Amendment, Zone Change, a Minor Use Permit and a Subdivision and on July 13, 2015 Certified an Environmental Impact Report the County Actions within the affected territory pursuant to the requirements of the California Environmental Quality Act (Section 21000 *et seq.* of the Public Resources Code); and

WHEREAS, LAFCo provided comments and participated in the County's Environmental Review process as a responsible agency; and

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

WHEREAS, the Lake County Board of Supervisors adopted Resolution 2019-33 on March 12, 2019 pertaining to the Tax Revenue Exchange for this annexation; and

WHEREAS, this Commission has considered the application, the report of the Executive Officer, the County's environmental document and determination, applicable General and Specific Plans, LAFCO's policies and each of the factors required by Government Code Section

56668 to be considered in the review of a proposal; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land and registered voters within the affected territory have been given notice for this proposal in accordance with Government Code Section 56663(d); and

WHEREAS, all interested parties and proponents of the proposal were heard at a public hearing held on July 17, 2019; and

WHEREAS, it is desired that the proposed annexation to the Hidden Valley Lake Community Services District be subject to terms and conditions as follows:

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

1. The foregoing recitals are true and correct.
2. In reviewing this application, the Commission finds that all property owners and registered voters in said territory have been given notice regarding this annexation into the Hidden Valley Lake Community Services District.
3. In reviewing this application, the Commission finds that water and wastewater services to be provided by Hidden Valley Lake Community Services District are necessary and that there will not be a duplication of other powers provided by the Hidden Valley Lake Community Services District with any other special district.
4. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.
5. The LAFCO Executive Officer's Staff Report including attachments and recommendation for approval of the proposal is hereby incorporated by reference and hereby adopted.
6. The boundary 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 applicant shall be responsible for any associated costs.
7. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as described in Exhibits "A" Boundary Description and "B" Map attached hereto and by this reference incorporated herein subject to the terms and conditions included.
8. As stated in the LAFCO Staff Report of July 17, 2019, the amount of base property tax and tax increment transferred shall be in accordance with Lake County Resolution 2019-33 adopted on March 12, 2019 attached hereto as Exhibit "C".
9. Said annexation territory is found to be uninhabited.
10. The subject proposal is assigned the following short form designation: Valley Oaks

Annexation to the HVLCSD (LAFCO File 2019-0002).

11. The boundaries of the affected territory are found to be definite and certain.
12. The application for the annexation to the Hidden Valley Lake Community Services District (LAFCO 2019-0002) is hereby approved to provide domestic water and wastewater services within the territory. Any other services allowed in the Community Services District Law shall require LAFCo approval as a new and different service.
13. Further protest proceedings are waived and the Commission orders the 147.14-acre annexation to the Hidden Valley Lake Community Services District pursuant to Part 4 of Division 3 of the California Government Code commencing with Section 57000. 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 56663 of Government Code). Therefore, The Commission does hereby approve and authorize the conducting authority to annex the territory described in Exhibits "A" and "B" to the Hidden Valley Lake Community Services District without notice and election.
14. All HVLCSD previously authorized assessments; taxes, fees and charges shall apply to this annexed territory upon recordation of the Certificate of Completion.
15. All LAFCO, Lake County, LAFCo and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of estimated required fees or deposits to the annexation applicant(s) prior to filing the Certificate of Completion.
16. One electronic copy (PDF), three large copies (18 by 24 minimum) and two 8 1/2 x 11 reductions of all maps along with an electronic copy (PDF) and two copies of the final boundary description shall be submitted to LAFCO prior to recordation of the Certificate of Completion.
17. Approval of this annexation is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Lake 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 Lake 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.
18. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
19. Pursuant to Section 15096 of the State CEQA Guidelines, the Commission has

considered the Environmental Impact Report for the Valley Oaks Development as a responsible agency under the California Environmental Quality Act ("CEQA"), and has exercised its independent judgment and reached its own conclusions in considering the project, and the Commission hereby adopts the following findings regarding the Valley Oaks Environmental Impact Report. 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 Environmental Impact Report.

(A) On July 13, 2015 the County of Lake, acting as lead agency under CEQA, certified the Environmental Impact Report ("EIR") for the proposed Valley Oaks project including an annexation to the Hidden Valley Lake CSD. The EIR considers and evaluates all the potentially significant environmental effects of the proposed annexation that is the subject of this action. Environmental review included analysis of impacts related to this annexation to include the affected territory. The EIR analyzed impacts associated with the physical characteristics of the affected territory (including topography and drainage), short term and long-term growth in the Hidden Valley Lake area of Lake County, provision of public services, and associated impacts. The County of Lake adopted mitigation measures to avoid or lessen potential impacts where feasible. However, the County of Lake found that annexation of the affected territory could result in certain significant and unavoidable project and/or cumulative impacts on the environment, including:

1. Aesthetics light and glare
2. Noise
3. Air Quality
4. Greenhouse Gas Emissions
5. Increased Noise Levels
6. Increase in demand for public services
7. Biological and Natural Resources
8. Cultural and Paleontological Resources
9. Geology and Soils
10. Hazards to Human Health
11. Transportation and Circulation
12. Utilities and Service Systems

As described in the EIR, no mitigation measures exist to reduce these impacts to a less than significant level.

(B) The EIR sets forth numerous mitigation measures to reduce potentially significant impacts and concludes that such impacts can be reduced to a level of insignificance if all mitigation measures proposed in the EIR are adopted. On July 13, 2015, the County of Lake adopted all the mitigation measures in the EIR. In addition, the County of Lake adopted, pursuant to CEQA Section 21081.6 and CEQA Guidelines Section 15901, the Mitigation Monitoring and Reporting

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 and Reporting Program. The Commission has reviewed and hereby incorporates by reference the County's Findings (attached and incorporated hereto as part of the Executive Officer's report prepared for the Valley Oaks Annexation and 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 County, which will have land use regulatory authority over the site. All mitigation measures can and should be implemented by the County when it authorizes development approvals of the Valley Oaks project site. See CEQA Guidelines §15091(a)(2).

(C) Notwithstanding the remaining significant adverse impacts, the Commission, pursuant to Section 15093 of the CEQA Guidelines, determines that the benefits of the project outweigh the adverse environmental impacts and that the project should be approved. The Commission finds that the benefits of annexation outweigh the significant and unavoidable impacts of the project for each of the reasons identified in the Statement of Overriding Considerations adopted by the County on July 13, 2015 (also attached and incorporated in the Executive Officer's report)

- (D) CEQA Guidelines Section 15162 provides that a subsequent or supplemental environmental impact report (EIR) shall be prepared if certain conditions or circumstances exist. In general, a subsequent or supplemental EIR must be prepared if there are changes in the project, changes in the circumstances, or new information that require substantial changes to the previous environmental document because of new significant or more severe impacts. The Commission has reviewed and considered all of the public comments, testimony and documentation submitted to the Commission in regard to the project, and hereby finds that none of the factors or considerations requiring preparation of a subsequent or supplemental EIR have been identified.
- (E) CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information includes: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information. Section 15088.5 further provides that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." Having reviewed the information contained in the Valley Oaks EIR and in the administrative record as well as the requirements under CEQA Guidelines Section 15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, the Commission hereby finds that no new

significant information was added to the EIR (or was required to have been added) following public review and thus, recirculation of the EIR is not required by CEQA.

20. The Commission has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, and makes a specific determination that the issues and mitigation measures as adopted by the County adequately address this annexation.
21. The Commission directs the Executive Officer to file a Notice of Determination as provided under Section 15094 of Title 14 of the California Code of Regulations upon completion of the LAFCO proceedings. Applicant shall be responsible for payment of any documentary handling fees required by the Lake County Clerk/Auditor.
22. The effective date shall be the date the Certificate of Completion is recorded.
23. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings and compliance with the terms and conditions.
24. 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 unless an extension is approved by the LAFCO Commission prior to the termination date.


PASSED AND ADOPTED at a regular meeting of the Lake Local Agency Formation Commission, State of California, on the 17th day of July 2019 by the following vote:

AYES: Robey, Brandon, Simon, Parlett, Mattina & Sabatier

NOES:

ABSTAINS:

ABSENT: Scholz



Chair or Vice-Chair, Local Agency
Formation Commission

LAKE LOCAL AGENCY
FORMATION COMMISSION
ATTEST:



JOHN BENOIT
Executive Officer

EXHIBIT "A"

Lake Lafco File 2019-02

Valley Oaks Annexation to the Hidden Valley Lake Community Services District

All that real property situate within a portion of the Guenoc Rancho,
County of Lake, State of California

Beginning at a point on the Southerly boundary line of Hidden Valley Lake, Unit No. 3 as shown on that map filed in Book 10 of Town Maps at Pages 53 through 61, inclusive, Lake County Records, said POINT OF BEGINNING being also on the boundary of the Hidden Valley Lake Community Services District at the Northwesterly terminus of the course cited as North 62°11'02" West, 1404.39 feet shown on Exhibit "A" entitled "Hidden Valley Lake Community Services District being Hidden Valley Lake, Units 1-11, inclusive and adjacent land within Guenoc Rancho and a portion of Sections 6 and 7, T.11 N., R.6 W., M.D.B.&M., Lake County, California, dated March 1984", said POINT OF BEGINNING being also on the Southeasterly line of that certain tract of land, conveyed by deed recorded November 3, 2006 as Document Number 2006-029187, Lake County Records, distant South 30°55'30" West, 596.55 feet from the Northeast corner thereof; thence from said POINT OF BEGINNING,

- (1) South 30°55'30" West, 1980.88 feet, more or less, along said Southeasterly line to the Northeast corner of that certain tract of land, conveyed to the State of California by deed recorded December 19, 2017 as Document Number 2017016786, Lake County Records; thence, leaving said Southeasterly line, along the Northeasterly line of said State of California tract the following courses:

- (2) North $64^{\circ}29'03''$ West, 62.27 feet
- (3) North $44^{\circ}34'34''$ West, 328.49 feet
- (4) North $61^{\circ}08'30''$ West, 185.36 feet
- (5) North $29^{\circ}59'39''$ West, 167.48 feet
- (6) North $83^{\circ}59'37''$ West, 200.10 feet, more or less, to a point on the Easterly right of way line of State Highway 29 as shown on that certain map filed in Book 80 of Record of Surveys, Pages 43 through 45, inclusive, said point being the beginning of a non-tangent curve to the left having a radius of 1050.12 feet, concave Southwesterly, the radial bearing to said point bears North $74^{\circ}56'12''$ East;
- (7) thence, Northwesterly along said curve through a central angle of $13^{\circ}38'54''$ an arc length of 250.15 feet;
- (8) thence, North $28^{\circ}44'05''$ West, 44.54 feet;
- (9) thence, North $31^{\circ}35'59''$ East, 131.26 feet;
- (10) thence, North $59^{\circ}41'27''$ West, 145.79 feet;
- (11) thence, North $28^{\circ}43'38''$ West, 60.01 feet to the beginning of a non-tangent curve to the right having a radius of 180.02 feet, concave Northeasterly, the radial bearing to said point bears South $61^{\circ}16'08''$ West;
- (12) thence, Northwesterly along said curve through a central angle of $19^{\circ}36'01''$ an arc length of 61.58 feet;
- (13) thence, North $10^{\circ}42'45''$ West, 144.13 feet;
- (14) thence, North $88^{\circ}06'49''$ West, 40.69 feet;
- (15) thence, North $88^{\circ}06'49''$ West, 68.66 feet;
- (16) thence, North $28^{\circ}44'05''$ West, 2757.42 feet to the beginning of a curve to the right having a radius of 1950.23 feet, concave Northeasterly,
- (17) thence, Northwesterly along said curve through a central angle of $5^{\circ}03'59''$ an arc length of 172.45 feet, more or less,

- to the boundary of said Hidden Valley Lake Community Services District at the Southwesterly terminus of the course cited as (South 51°00'00" West, 500.00 feet);
- (18) thence, leaving said Easterly right of way line of State Highway 29, along the existing boundary of said Hidden Valley Lake Community Services District the following courses: North 51°00'00" East, 500.00 feet;
- (19) South 39°00'00" East, 954.38 feet
- (20) South 70°20'25" East, 1399.44 feet
- (21) South 87°43'21" East, 567.85 feet
- (22) South 54°31'10" East, 1153.36 feet
- (23) South 30°55'30" West, 596.55 feet to the POINT OF BEGINNING, containing 147.1 acres, more or less.

Clifford D. Ruzicka

Clifford D. Ruzicka

03/05/2019

Date

Registered Civil Engineer #14961



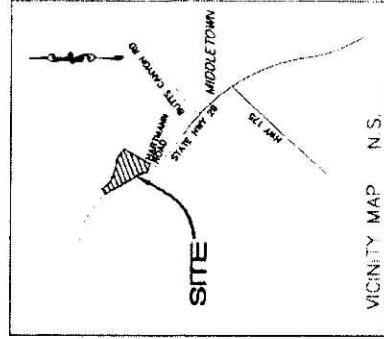
- () data per Exhibit "A" of Hidden Valley Lake Community Services District boundary

NOTE: 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.

APN's 014-260-36 & 51

EXHIBIT "B"
VALLEY OAKS ANNEXATION TO
HIDDEN VALLEY LAKE
COMMUNITY SERVICES DISTRICT
LAKE LAFCO FILE 2019-02

LYING WITHIN THE GUENOC RANCHO
COUNTY OF LAKE, STATE OF CALIFORNIA
MARCH 2018



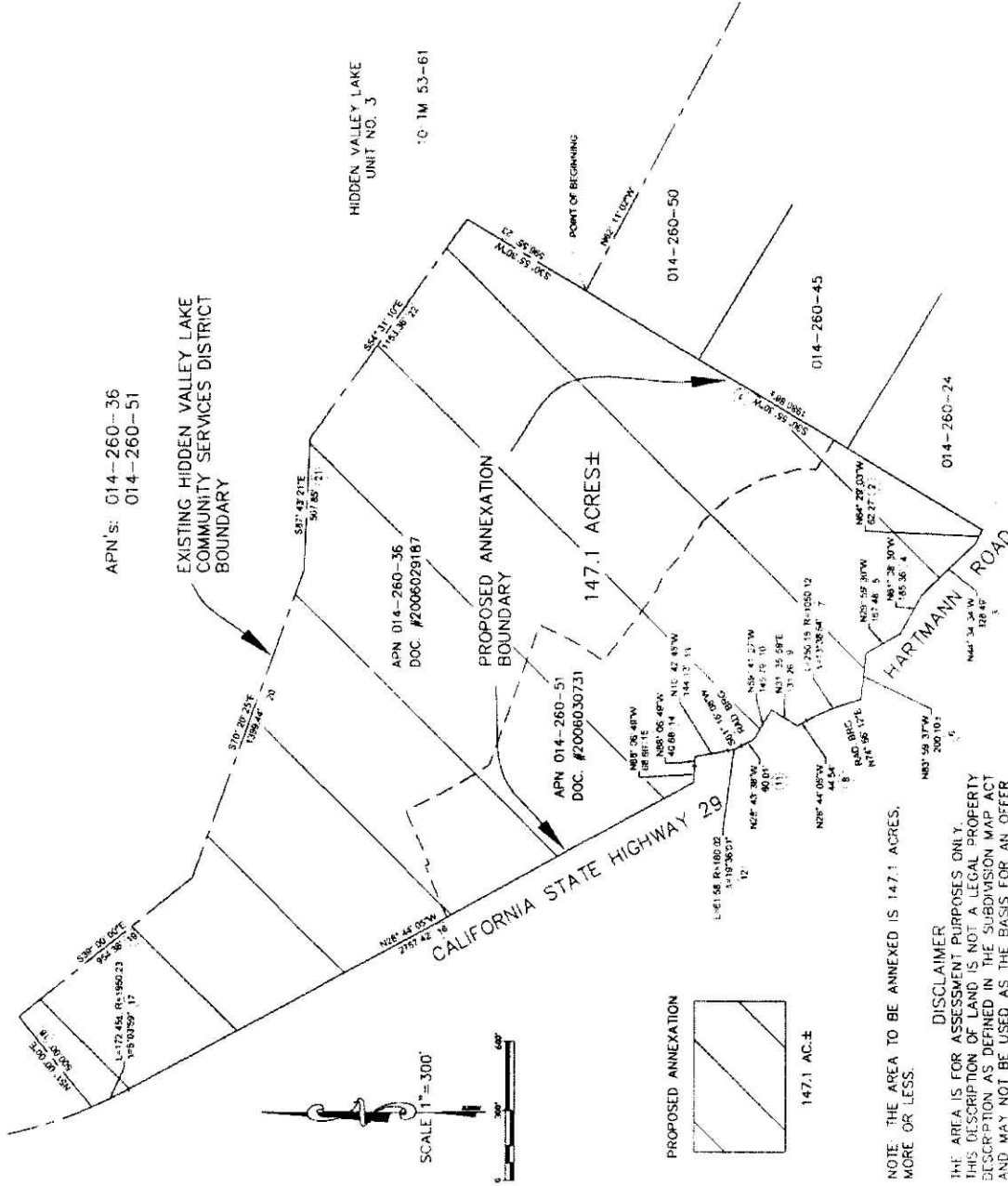
MAP PREPARED BY:

Clifford D. Ruzicka
RUZICKA ASSOCIATES
CLIFFORD D. RUZICKA



RUZICKA ASSOCIATES
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ONE SHEET ONLY 17 B.13.101



WHEREAS, Section 99 of the Revenue and Taxation Code requires, before the LAFCO Executive Officer issues a certification of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

NOW, THEREFORE BE IT RESOLVED, that:

- Base Property Tax:** The base property tax revenue currently allocated to the County General Fund and all local taxing entities shall not be changed as a result of this annexation.

2. The Clerk of the Board is directed to file a certified copy of this Resolution with the State Board of Equalization, the Auditor-Controller of the County of Lake, and the LAFCO Executive Officer.

[illegible]

1 This Resolution was passed and adopted by the Board of Supervisors of the County of
2 Lake at a regular meeting thereof on March 12, 2019 by the following vote:

3 AYES: Supervisors Simon, Sabatier, Crandell and Scott

4 NOES: None

5 ABSENT OR NOT VOTING: Supervisor Brown

6 ATTEST: Carol J. Huchingson
7 Clerk of the Board

8
9 By:

Deputy

Chairman, Board of Supervisors

11 APPROVED AS TO FORM:
12 ANITA L. GRANT
13 County Counsel

