

Resolution # 2019-0008

**LOCAL AGENCY FORMATION OF THE COUNTY OF PLUMAS,
STATE OF CALIFORNIA**

A Resolution Making Determinations and Approving the Annexation of 5 acres more or less to the American Valley Community Services District and Quincy Fire Protection District –LAFCO File 2019-0001—CHP Annexation

WHEREAS, the California Highway Patrol has filed an application to annex 5 acres more or less into the American Valley Community Services District and the Quincy Fire Protection District known as LAFCO File 2019-0001, CHP Annexation. This property is on Assessor's parcel #117-140-027 and described and depicted in Exhibits "A" and "B", attached hereto and incorporated herein and filed with the Executive Officer of the Plumas 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, pursuant to Government Code section 56662 this Commission has authority to approve this annexation to said American Valley Community Services District and Quincy Fire Protection District without notice and hearing and without an election where all property owners in said territory consent to said annexation, the annexation is uninhabited, the territory is within the Sphere of Influence and when no agency has protested the annexation or when all registered voters and landowners within the territory have been given notice and no written protests or objections have been received; and

WHEREAS, the California Highway Patrol prepared and certified as the Lead Agency a Notice of Determination for this change of organization for the affected territory pursuant to the requirements of the California Environmental Quality Act (Section 21000 *et seq.* of the Public Resources Code); and

WHEREAS, Government Code Section 56662 allows the Commission to make determinations without notice and hearing provided there is 100 percent landowner consent; 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 Plumas County Board of Supervisors adopted Resolution 2019-8427 on September, 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 environmental documentation 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 given an opportunity to comment; and

WHEREAS, it is desired that the proposed annexation to the American Valley Community Services District and Quincy Fire Protection District be subject to terms and conditions as follows:

NOW, THEREFORE IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Plumas County 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 an opportunity to testify regarding this reorganization herein referred to an annexation into both the American Valley CSD and Quincy FPD.
3. In reviewing this application, the Commission finds that services to be provided by the American Valley CSD and Quincy FPD are necessary and that there will not be a duplication of other powers provided by the American Valley CSD and Quincy FPD 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 all 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. The boundary description and map if amended by action of the Commission will be revised and checked by the Plumas County Surveyor at the expense of the applicant, prior to filing of the Certificate of Completion.
8. As stated in the LAFCO Staff Report of October 21, 2019, the amount of base property tax and tax increment transferred shall be in accordance with Plumas County Resolution 2019-8427 attached hereto as Exhibit "C".

9. Said annexation territory is found to be uninhabited (less than 12 registered voters).
10. The subject proposal is assigned the following short form designation: CHP Annexation to the AVCSD and QFPD (LAFCO File 2019-0001).
11. The boundaries of the affected territory are found to be definite and certain.
12. The application for the annexation to the American Valley CSD (LAFCO 2019-0001) is hereby approved to provide water and wastewater services within the territory.
13. The application for the annexation to the Quincy FPD (LAFCO 2019-0001) is hereby approved to provide fire protection and emergency medical services within the territory.
14. Further protest proceedings are waived and the Commission orders the 5-acre more or less annexation to the American Valley CSD and Quincy FPD 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 American Valley CSD and Quincy FPD without notice and election.
15. All American Valley CSD previously authorized fees and charges shall apply to this annexed territory upon recordation of the Certificate of Completion.
16. All Quincy FPD previously authorized fees and charges shall apply to this annexed territory upon recordation of the Certificate of Completion.
17. While not required as a state-owned property, it is requested that the California Highway Patrol consider payment of the amount annually levied on all other parcels in Quincy FPD in the amount of \$98.50, unless another amount is agreed to between the Quincy FPD and the State.
18. Verification of payment of any charges and engineering and infrastructure costs, owed (unless waived) to the County, LAFCo and (or) the district respectively shall be submitted to LAFCO prior to the issuance of the Certificate of Completion.
19. All LAFCO, Plumas 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 agency prior to filing the Certificate of Completion.

20. Four large copies and two 8 1/2 x 11 reductions of all maps along with two copies of the final LAFCO approved boundary description along with an electronic copy of both the map and description shall be submitted to LAFCO prior to recordation of the Certificate of Completion. All descriptions and maps shall be wet stamped by a California Licensed Land Surveyor
21. Approval of this annexation is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Plumas 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 Plumas 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.
22. 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.
23. The Initial Study, Negative Declaration and the Notice of Determination prepared for this annexation is hereby affirmed by Plumas LAFCO.
24. The Commission directs the Executive Officer to file a Notice of Determination within 5-days of Commission approval of this annexation. Applicant shall be responsible for payment of any documentary handling fees or Fish and Game fees required by the Plumas County Clerk or the State Department of Fish and Game.
25. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.
26. The effective date shall be the date of recordation of the Certificate of Completion.
27. 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.

PASSED AND ADOPTED at a regular meeting of the Plumas Local Agency Formation Commission, State of California, on the 21st day of October, 2019 by the following votes:

AYES:
NOES:
ABSTAINS:
ABSENT:

Kevin Goss, Chair, or
Bill Powers, Vice-Chair
Plumas Local Agency Formation
Commission

PLUMAS LOCAL AGENCY
FORMATION COMMISSION
ATTEST:

Jennifer Stephenson
Executive Officer