RESOLUTION № 2020-06

Approving the Dunnigan Water District Annexation (LAFCo № 935) and Waiving Conducting Authority Proceedings

WHEREAS, on June 20, 2020, the Dunnigan Water District (DWD) submitted an application to annex six (6) parcels totaling approximately 1,160 acres into the District (APNs 051-140-035, 051-140-037, 052-010-006, 052-100-004, 052-110-001, and 054-020-014); and

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

WHEREAS, the Yolo County Auditor determined the affected district does not receive property taxes and is not seeking any property tax revenue for the subject territory, and per Revenue and Taxation Code Section 99(b)(3), Yolo County has consulted with DWD and determined that a property tax revenue negotiated exchange is, therefore, not applicable; and

WHEREAS, the Yolo Local Agency Formation Commission (Yolo LAFCo) analyzed the project in accordance with all applicable sections of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCo Standards of Evaluation and Agricultural Policy, and all other matters presented as prescribed by law; and

WHEREAS, on February 12, 2020, DWD adopted Resolution 2020-04 adopting the Negative Declaration as Lead Agency for the project, finding there is no substantial evidence supporting a fair argument the annexation will have a significant effect of the environment; and

WHEREAS, Yolo LAFCo complied with the California Environmental Quality Act (CEQA) as a Responsible Agency by responding to the Notice of Availability from the Lead Agency and reviewed the Draft Negative Declaration regarding issues germane to LAFCo's statutory responsibilities; and

WHEREAS, CEQA requires a Responsible Agency to accept the Negative Declaration as prepared by the Lead Agency and to treat the document as being legally adequate absent specified circumstances not present herein; and

WHEREAS, a Certificate of Filing was issued for the proposal on August 28, 2020; 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 September 24, 2020, meeting during which the project was set to be considered; and

WHEREAS, on September 24, 2020, the annexation proposal came on regularly for hearing before Yolo LAFCo, at the time and place specified in the notice, however a regional internet outage occurred at 9:10 a.m. and terminated the virtual meeting for all attendees before this item was heard; and,

WHEREAS, by order of the Chair, the Public Hearing item was continued to the next Regular LAFCo Meeting on October 29, 2020, at 9:00 a.m.; 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 Negative Declaration and the Executive Officer's Report including all the information, recommendations, findings, and conditions contained therein.

NOW, THEREFORE, BE IT RESOLVED by the Yolo Local Agency Formation Commission approves the Dunnigan Water District Annexation (LAFCO № 935) as illustrated in Attachment A and hereby waives conducting authority proceedings pursuant to Government Code Section 56663(a) subject to the following findings and conditions of approval:

Findings

CEQA

 Finding: The potential environmental effects of the proposal (LAFCo № 935) have been reviewed by the DWD as Lead Agency and determined there is no substantial evidence supporting a fair argument that the project will have a significant effect on the environment and filed a Notice of Determination in accordance with the California Environmental Quality Act (CEQA).

<u>Evidence</u>: CEQA requires a Responsible Agency to accept a CEQA document as prepared by the Lead Agency and to treat the document as being legally adequate absent specified circumstances not present herein. The project does not involve any land use changes and will not result in the physical construction of any infrastructure or other improvements to supply irrigation water to the proposed annexation area, as the project will utilize existing water conveyance facilities. The subject territory will remain in agricultural production notwithstanding the source of irrigation water and may even improve environmental conditions by reducing reliance on groundwater.

Project Findings (in Accordance with Section Government Code Section 56668.3)

2. <u>Finding:</u> The annexation will be for the interest of present and future landowners and inhabitants within the territory to be annexed.

<u>Evidence</u>: The annexation will allow landowners access to DWD's surface water allocation. The proposed annexation has been initiated by the DWD at the request of 100% of the subject landowners. The project would help expand use of surface water availability and less reliance on groundwater. The project would also result in additional revenue for District infrastructure investment and maintenance. It also would provide long term funding stability for the District, which would be a benefit to all District landowners.

3. <u>Finding:</u> No resolutions raising objections have been filed by an affected agency regarding the proposed project.

<u>Evidence:</u> LAFCo has not received any objections (resolutions or otherwise) filed by an affected or interested agency regarding the proposed project. No objections from any landowners or the general public have been received.

4. <u>Finding:</u> The DWD has adequate services to meet the existing and probable future needs of the territory.

<u>Evidence:</u> Although water is a limited resource and increasing the size of the District will reduce the water available for each acre planted in drought years, the DWD has typically used only approximately 13,000 acre feet of its existing 19,000 acre-foot Central Valley Project water allocation each year. With agricultural water, there is much more flexibility in

the water demand; farmers can opt to use groundwater via individual wells, plant crops that are less water-intensive, plant less acreage and consolidate their water allocation on less area, or (as in the case of rice farmers) not plant rice fields at all and submit a claim for crop failure from their insurance company. Therefore, this reduction is not considered significant and the project will allow more farmers access to limited surface water in drought years and result in less reliance on groundwater.

Findings to Waive Proceedings (in accordance with Cortese-Knox-Hertzberg Act Gov't Code § 56663(a))

5. <u>Finding:</u> The resolution from the DWD of application for an annexation is accompanied by proof, satisfactory to the Commission, that all the owners of land within the affected territory have given their written consent to that reorganization.

<u>Evidence</u>: The DWD application for reorganization (LAFCo № 935) includes written consent signed by landowners of all six parcels that comprise 100% of the affected territory. Notice was provided to all landowners and no written opposition has been received. The notice includes the Commission's intent to waive protest and election proceedings.

Conditions of Approval

- 1. The applicant and the real party of interest, if different, agree to defend, indemnify, hold harmless and release the Yolo 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 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 DWD Annexation (LAFCO № 935).
- 3. The effective date of the approval of this annexation is five (5) days after the date the Certificate of Completion is recorded by the County Recorder.

AYES: NOES: ABSENT:	
	Olin Woods, Chair Yolo Local Agency Formation Commission

PASSED AND ADOPTED by the Yolo Local Agency Formation Commission, State of California, this

ATTEST:

Christine Crawford, Executive Officer Yolo Local Agency Formation Commission

29th day of October 2020, by the following vote.

Approved as to form:

Eric May, Commission Counsel

That portion of real property situate in the County of Yolo, State of California, and being a portion of Section 7, Township 12 North, Range 1 West, Mount Diablo Base and Meridian, and also being a portion of that Parcel of Land as described in Document No. 2014-0003095-00, said County Records, and being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 7; 1) thence, from said POINT OF BEGINNING, and along the West line of said Section 7, North 00°20′00″ East 555.70 feet to LAFCO Proceeding No. 275; Thence, along said LAFCO Proceeding No. 275 the following thirteen courses and distances: 2) North 29°20′00″ East 745.00 feet; 3) Thence North 20°39′20″ East 424.80 feet; 4) Thence North 56°50′00″ East 450.00 feet; 5) Thence North 03°10″00 West 285.00 feet; 6) Thence North 56°50′00″ East 175.00 feet; 7) Thence North 03°10″00 West 330.06 feet; 8) Thence South 87°17′26″ East 130.00 feet; 9) Thence South 03° 10′00″ East 610.00 feet; 10) Thence South 42°48′00″ East 350.00 feet; 11) Thence South 86°50′00″ East 260.00 feet; 12) Thence North 34°00′00″ East 173.76 feet; 13) Thence North 03°10′00″ West 709.39 feet; 14) Thence South 87°17′26″ East 2,793.64 feet to the Westerly line of Tract One as described in Book 1365 of Official Records at page 399, said County records; Thence, along said Westerly line the following two courses and distances: 15) South 14°58′12″ East 1,135.90 feet; 16) Thence

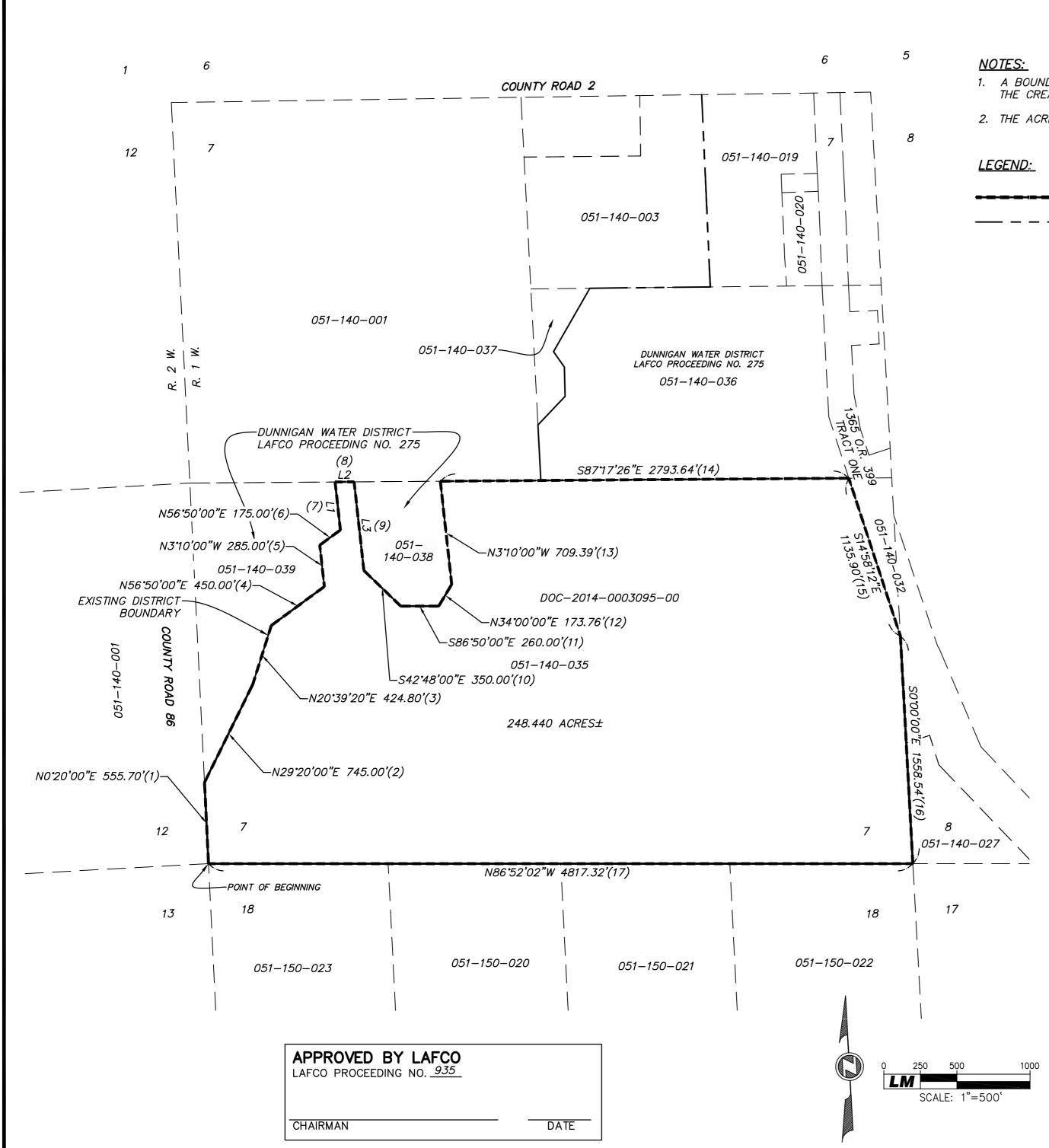
South 00°00′00″ East 1,558.54 feet to the Southeast corner of said Section 7; 17) Thence, along the South line of said Section 7, North 86°52′02″ West 4,817.32 feet to the POINT OF BEGINNING.

Containing 248.440 acres of land, more or less.

End of description.

7-30-2020

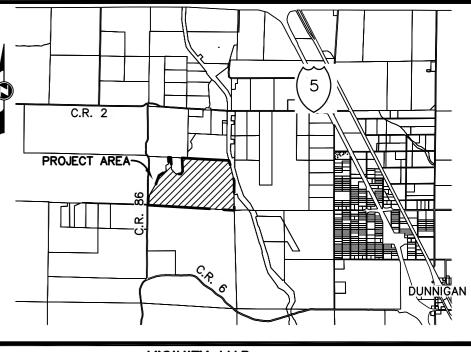
Christopher W. Lerch, L.S.



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

NEW DISTRICT BOUNDARY

EXISTING DISTRICT BOUNDARY



VICINITY MAP

BOUNDARY DESCRIPTION:

THAT PORTION OF REAL PROPERTY SITUATE IN THE COUNTY OF YOLO, STATE OF CALIFORNIA, AND BEING A PORTION OF SECTION 7, TOWNSHIP 12 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, AND ALSO BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED IN DOCUMENT NO. 2014—0003095—00, SAID COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 7; 1) THENCE, FROM SAID POINT OF BEGINNING, AND ALONG THE WEST LINE OF SAID SECTION 7, NORTH 00°20'00" EAST 555.70 FEET TO LAFCO PROCEEDING NO. 275; THENCE, ALONG SAID LAFCO PROCEEDING NO. 275 THE FOLLOWING THIRTEEN COURSES AND DISTANCES: 2) NORTH 29°20'00" EAST 745.00 FEET; 3) THENCE NORTH 20'39'20" EAST 424.80 FEET; 4) THENCE NORTH 56'50'00" EAST 450.00 FEET; 5) THENCE NORTH 03'10"00 WEST 285.00 FEET; 6) THENCE NORTH 56'50'00" EAST 175.00 FEET; 7) THENCE NORTH 03'10"00 WEST 330.06 FEET; 8) THENCE SOUTH 87'17'26" EAST 130.00 FEET; 9) THENCE SOUTH 03' 10'00" EAST 610.00 FEET; 10) THENCE SOUTH 42'48'00" EAST 350.00 FEET; 11) THENCE SOUTH 86°50'00" EAST 260.00 FEET; 12) THENCE NORTH 34°00'00" EAST 173.76 FEET; 13) THENCE NORTH 03'10'00" WEST 709.39 FEET; 14) THENCE SOUTH 8717'26" EAST 2,793.64 FEET TO THE WESTERLY LINE OF TRACT ONE AS DESCRIBED IN BOOK 1365 OF OFFICIAL RECORDS AT PAGE 399, SAID COUNTY RECORDS; THENCE, ALONG SAID WESTERLY LINE THE FOLLOWING TWO COURSES AND DISTANCES: 15) SOUTH 14'58'12" EAST 1,135.90 FEET; 16) THENCE SOUTH 00°00'00" EAST 1,558.54 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 7; 17) THENCE, ALONG THE SOUTH LINE OF SAID SECTION 7, NORTH 86°52'02" WEST 4,817.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 248.440 ACRES OF LAND, MORE OR LESS.

END OF DESCRIPTION.

	LINE TABLE		
LINE NO.	DIRECTION	LENGTH	
L1	N3°10'00"W	330.06	(7)
L2	S87°17'26"E	130.00'	(8)
L3	S310'00"E	610.00	(9)

ANNEXATION TO DUNNIGAN WATER DISTRICT

BEING A PORTION OF SECTION 7 TOWNSHIP 12 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, YOLO COUNTY CALIFORNIA



SHEET 1 OF 1

JULY 30, 2020

317-86

That portion of real property situate in the County of Yolo, State of California, and being a portion of Section 7, Township 12 North, Range 1 West, Mount Diablo Base and Meridian, and also being a portion of that Parcel of Land as described in Document No. 2014-0003095-00, said County Records, and being more particularly described as follows:

BEGINNING at a point on the West line of the Northeast Quarter of said Section 7, said point being distant North 00°09′56″ East 380.00 feet from the Southwest corner of said Northeast Quarter;1) thence from said POINT OF BEGINNING, and along said West line, North 00°09′56″ East 931.92 feet to the Northwest corner of the South Half of said Northeast Quarter; 2) thence, along the North line of said South Half of said Northeast Quarter, South 87°30′12″ East 403.44 feet to LAFCO Proceeding No. 275; Thence, along said LAFCO Proceeding No. 275 the following four courses and distances: 3) South 32°57′00″ West 499.89 feet; 4) South 31°59′30″ East 129.44 feet; 5) South 01°42′00″ West 200.00 feet; 6) South 46°42′00″ West 270.00 feet to the POINT OF BEGINNING.

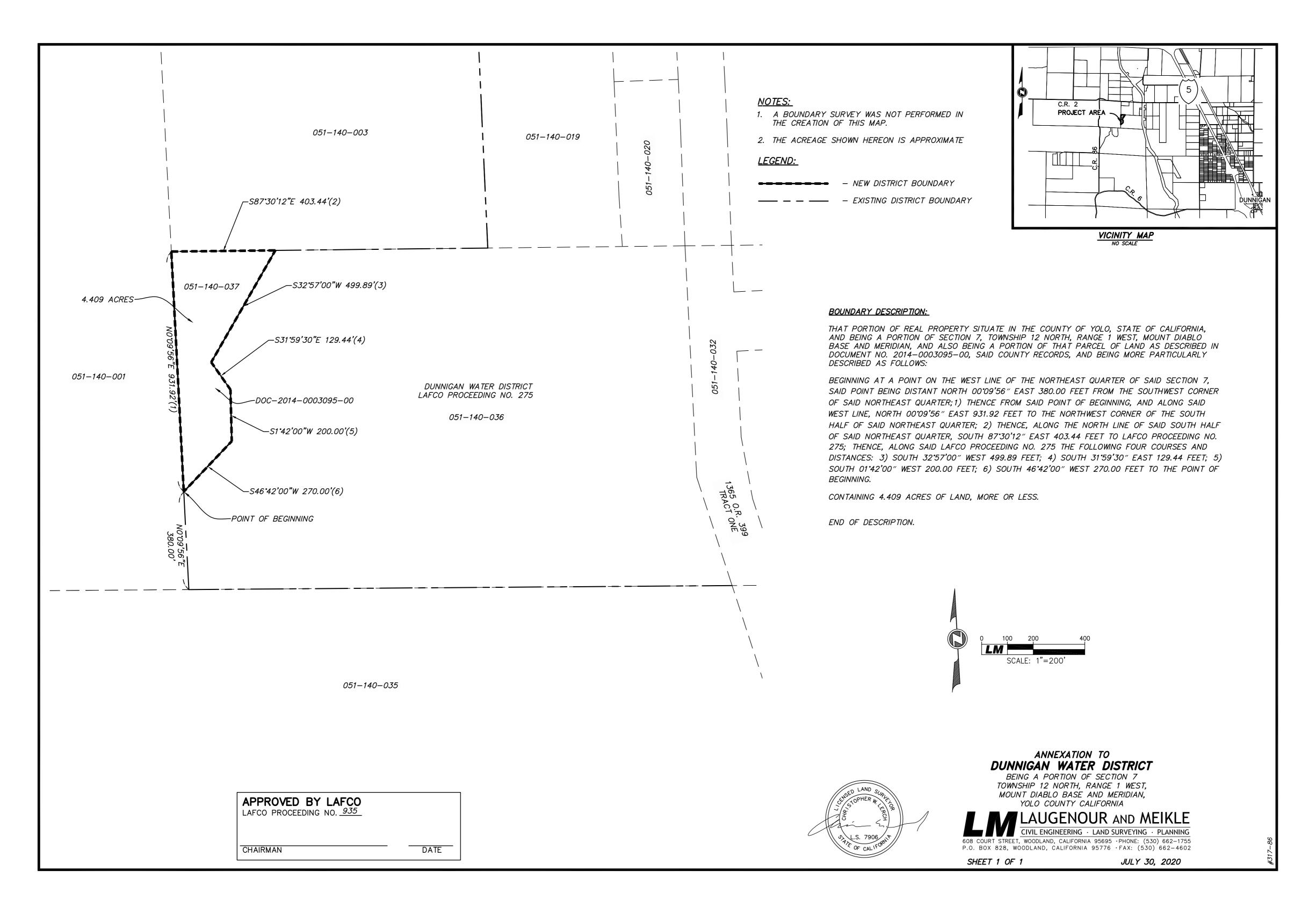
Containing 4.409 acres of land, more or less.

End of description.

L.S. 7906

-30-2020

Christopher W. Lerch, L.S.



That portion of real property situate in the County of Yolo, State of California, and being a portion of Section 20, Township 12 North, Range 1 West, and also being all of that Parcel of Land as described in Document No. 2018-0017448-00, said County Records, and being more particularly described as follows:

AREA 1:

BEGINNING at the Northeast corner of said Section 20; thence, from said POINT OF BEGINNING and along the East line of said Section 20: 1) South 01°14′00″ East 3,187.30 feet to the Easterly line of Tract Two as described in Book 1364 of Official Records at Page 467, said County Records, said point hereinafter called Point "A"; thence, along said Easterly line the following eight courses and distances: 2) thence South 71°11′47″ West 124.57 feet; 3) thence North 51°52′10″ West 468.80 feet; 4) thence North 18°28′10″ West 141.30 feet; 5) thence North 32°28′10″ West 521.50 feet; 6) thence North 49°55′10″ West 342.10 feet; 7) thence North 34°40′10″ West 1,500.00 feet; 8) thence North 25°51′10″ West 371.90 feet; 9) thence North 17°41′10″ West 385.27 feet to the Northerly right-of-way line of County Road 6; 10) thence, along said Northerly right-of-way line, North 73°44′47″ East 796.99 feet to the North line of said Section 20; 11) thence, along said North line, South 89°21′10″ East 1,372.00 feet to the POINT OF BEGINNING.

Containing 97.619 acres of land, more or less.

AREA 2:

TOGETHER WITH that portion of real property, being more particularly described as follows:

BEGINNING at the intersection of said East line of said Section 20 with the Westerly line of

said Tract Two, said point being distant, South 01°41′00″ East 590.20 feet from Point "A" hereinabove described: 1) thence, from said POINT OF BEGINNING and along said East line of said Section 20, South 01°14′00″ East 1,446.80 feet to the Southeast corner of said Section 20; 2) thence, along the South line of said Section 20, North 89°10′00″ West 5,277.30 feet to the Southwest corner of said Section 20;

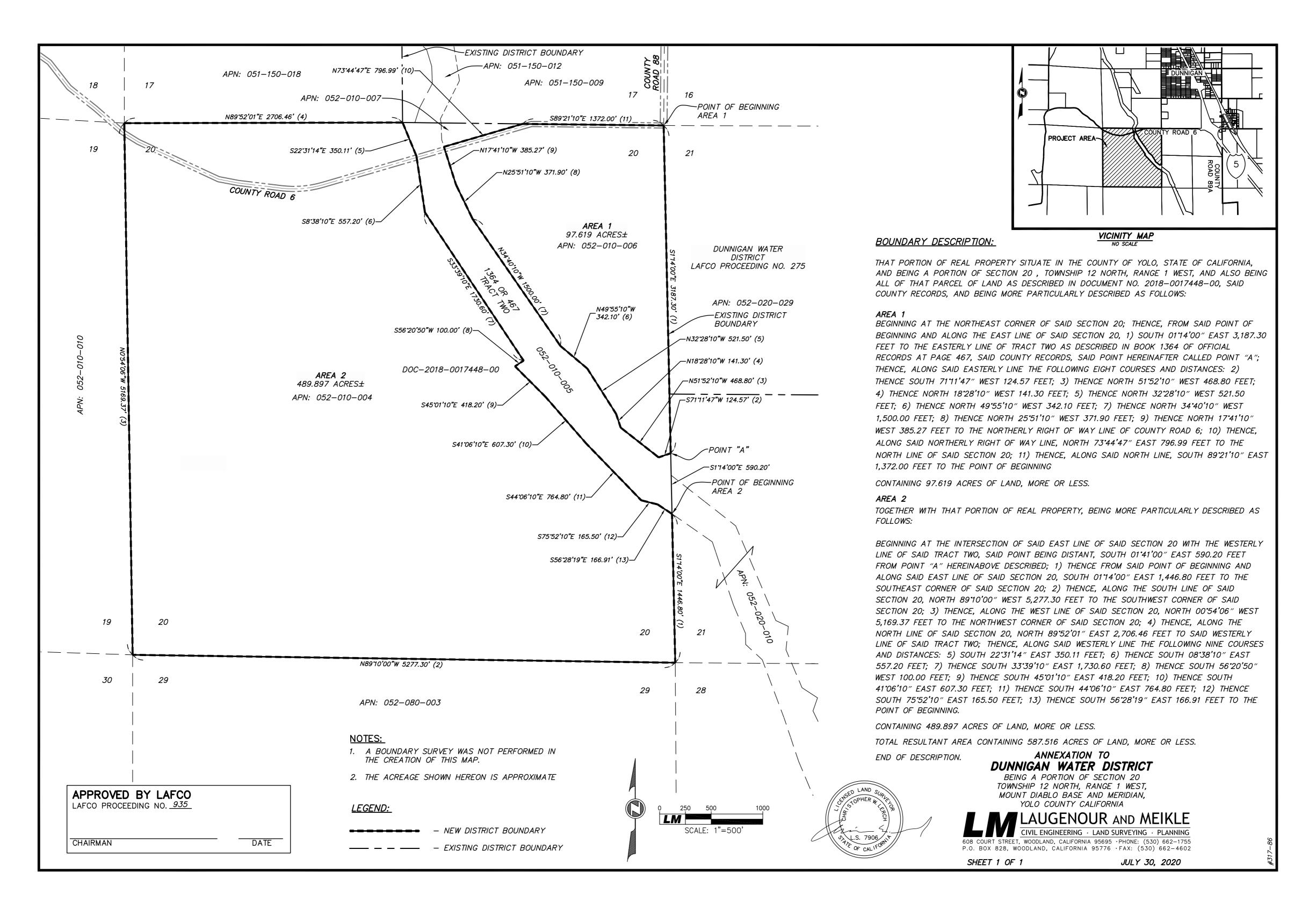
Christopher W. Lerch, L.S. Date

3) thence, along the West line of said Section 20, North 00°54′06″ West 5,169.37 feet to the Northwest corner of said Section 20; 4) thence, along the North line of said Section 20, North 89°52′01″ East 2,706.46 feet to said Westerly line of said Tract Two; thence, along said Westerly line the following nine courses and distances: 5) South 22°31′14″ East 350.11 feet; 6) thence South 08°38′10″ East 557.20 feet; 7) thence South 33°39′10″ East 1,730.60 feet; 8) thence South 56°20′50″ West 100.00 feet; 9) thence South 45°01′10″ East 418.20 feet; 10) thence South 41°06′10″ East 607.30 feet; 11) thence South 44°06′10″ East 764.80 feet; 12) thence South 75°52′10″ East 165.50 feet; 13) thence South 56°28′19″ East 166.91 feet to the POINT OF BEGINNING.

Containing 489.897 acres of land, more or less.

Total resultant area containing 587.516 acres of land, more or less.

End of description.



That portion of real property situate in the County of Yolo, State of California, and being a portion of Sections 28 and 33, Township 12 North, Range 1 West, and also being a portion of Lot 3 as described in Document No. 2004-0019529-00, said County Records, and being more particularly described as follows:

BEGINNING at the intersection of the East line of said Section 33 with the Easterly line of Tract One as described in book 1377 of Official records at Page 458, said County Records; thence, from said POINT OF BEGINNING and along said Easterly line of said Tract One the following ten courses and distances: 1) thence North 33°12′00″ West 411.35 feet; 2) thence North 69°09′00″ West 300.06 feet; 3) thence North 24°36′00″ West 1,187.90 feet; 4) thence North 19°50′00″ West 301.00 feet; 5) thence North 65°24′00″ East 110.00 feet; 6) thence North 24°36′00″ West 250.00 feet; 7) thence South 65°24′00″ West 90.00 feet; 8) thence North 26°55′00″ West 171.00 feet; 9) thence North 34°57′00″ West 698.80 feet; 10) thence North 30°50′00″ West 305.18 feet to the Southwest corner of Lot 1 as described in said Document No. 2004-0019529-00; 11) thence, along the South line of said Lot 1, North 89°49′45″ East 1,797.53 feet to the East line of said Section 28; 12) thence, along said East line, South 00°28′00″ East 3,042.62 feet to the POINT OF BEGINNING.

Containing 66.216 acres of land, more or less.

End of description.

Christopher W. Lerch, L.S.

L.S. 7906

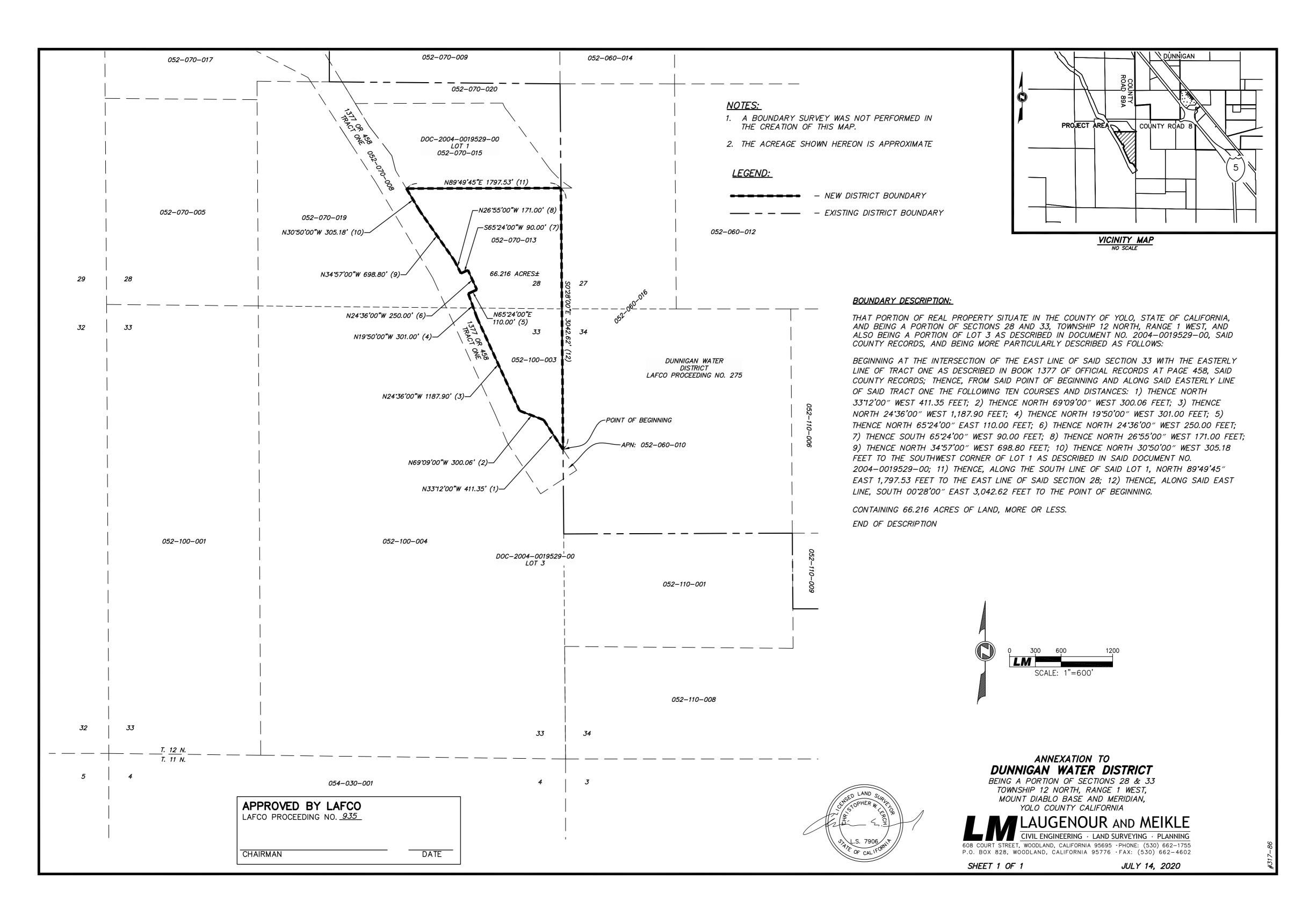
L.S. 7906

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Page 1 of 1

7.30-2020



That portion of real property situate in the County of Yolo, State of California, and being a portion of Section 28, Township 12 North, Range 1 West, and also being a portion of Lot 3 as described in Document No. 2004-0019529-00, said County Records, and being more particularly described as follows:

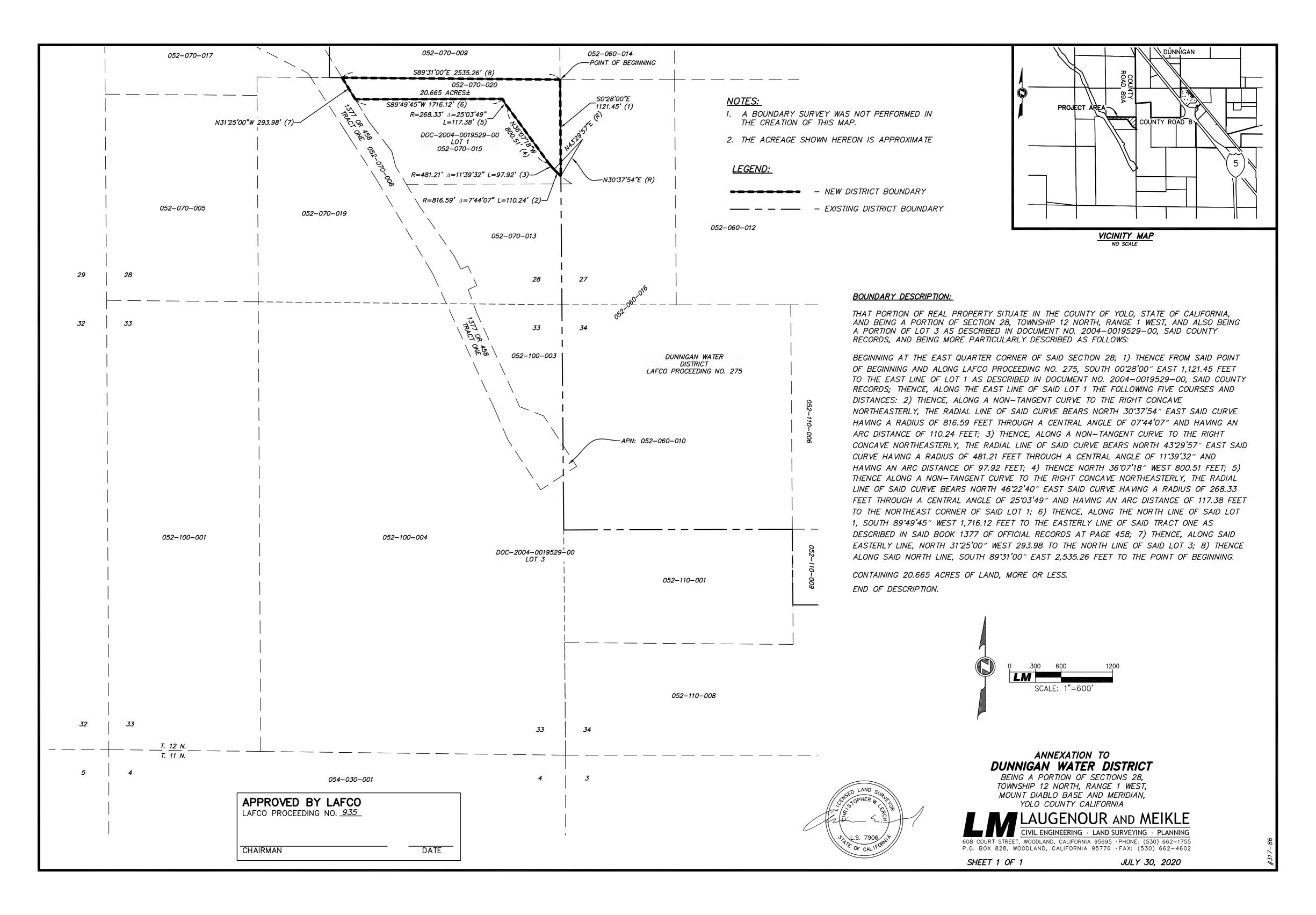
BEGINNING at the East Quarter corner of said Section 28; 1) thence from said POINT OF BEGINNING and along LAFCO Proceeding No. 275, South 00°28′00" East 1,121.45 feet to the East line of Lot 1 as described in Document No. 2004-0019529-00, said County Records; thence, along the East line of said Lot 1 the following five courses and distances: 2) thence, along a non-tangent curve to the Right concave Northeasterly, the radial line of said curve bears North 30°37′54″ East said curve having a radius of 816.59 feet through a central angle of 07°44′07″ and having an arc distance of 110.24 feet; 3) thence, along a non-tangent curve to the Right concave Northeasterly, the radial line of said curve bears North 43°29′57" East said curve having a radius of 481.21 feet through a central angle of 11°39′32" and having an arc distance of 97.92 feet; 4) thence North 36°07′18″ West 800.51 feet; 5) thence along a non-tangent curve to the right concave Northeasterly, the radial line of said curve bears North 46°22′40″ East said curve having a radius of 268.33 feet through a central angle of 25°03'49" and having an arc distance of 117.38 feet to the Northeast corner of said Lot 1; 6) thence, along the North line of said Lot 1, South 89°49′45″ West 1,716.12 feet to the Easterly line of said Tract One as described in said Book 1377 of Official Records at Page 458; 7) thence, along said Easterly line, North 31°25′00″ West 293.98 to the North line of said Lot 3; thence along said North line, South 89°31′00" East 2,535.26 feet to the POINT OF BEGINNING.

Containing 20.665 acres of land, more or less.

End of description.

Christopher W. Lerch, L.S.

7-30-2020

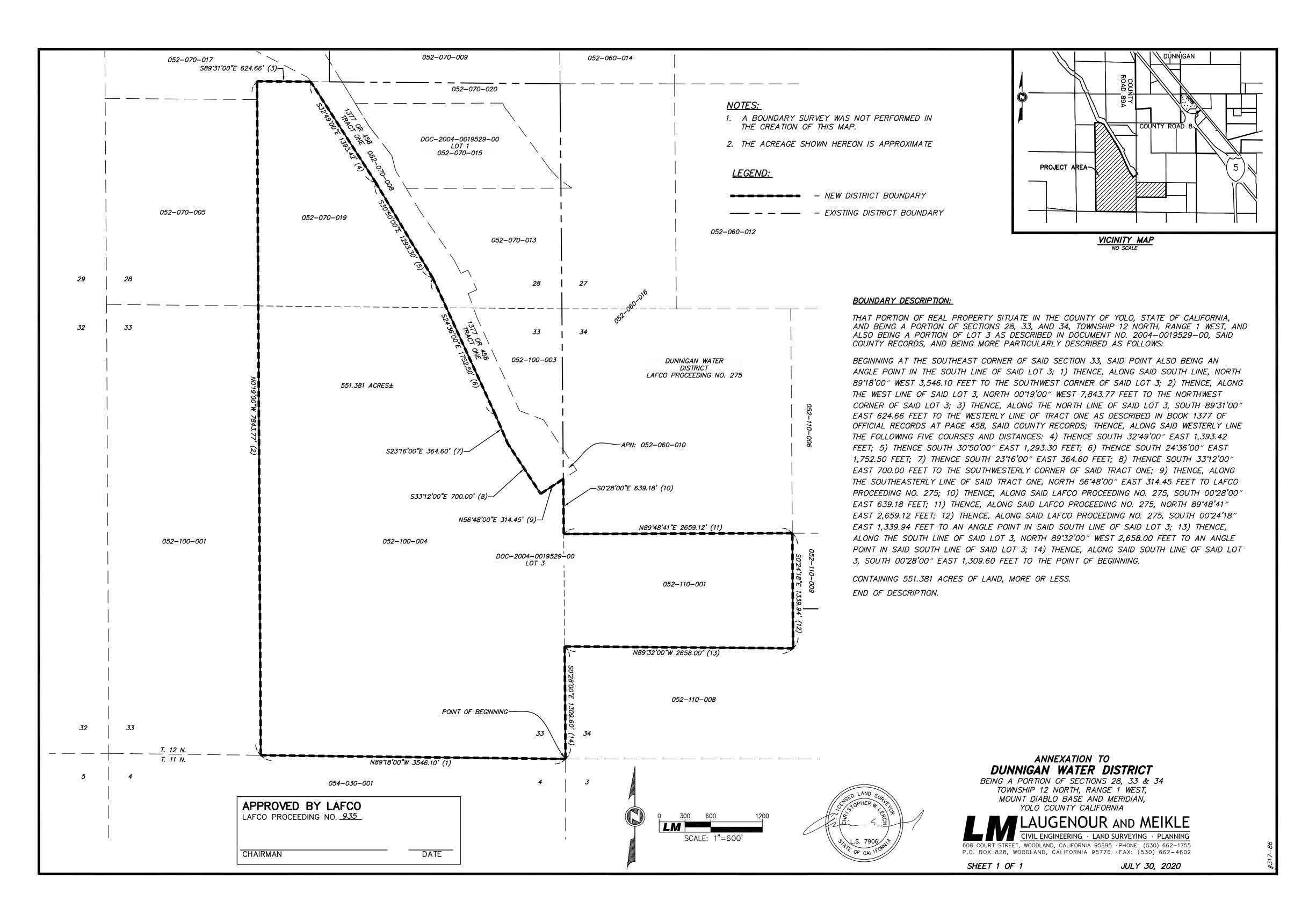


That portion of real property situate in the County of Yolo, State of California, and being a portion of Sections 28, 33, and 34, Township 12 North, Range 1 West, and also being a portion of Lot 3 as described in Document No. 2004-0019529-00, said County Records, and being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 33, said point also being an angle point in the South line of said Lot 3; 1) thence, along said South line, North 89°18′00″ West 3,546.10 feet to the Southwest corner of said Lot 3; 2) thence, along the West line of said Lot 3, North 00°19′00" West 7,843.77 feet to the Northwest corner of said Lot 3; 3) thence, along the North line of said Lot 3, South 89°31′00″ East 624.66 feet to the Westerly line of Tract One as described in Book 1377 of Official Records at Page 458, said County Records; thence, along said Westerly line the following five courses and distances: 4) thence South 32°49′00″ East 1,393.42 feet; 5) thence South 30°50′00″ East 1,293.30 feet; 6) thence South 24°36′00″ East 1,752.50 feet; 7) thence South 23°16′00″ East 364.60 feet; 8) thence South 33°12′00″ East 700.00 feet to the Southwesterly corner of said Tract One; 9) thence, along the Southeasterly line of said Tract One, North 56°48'00" East 314.45 feet to LAFCO Proceeding No. 275; 10) thence, along said LAFCO Proceeding No. 275, South 00°28'00" East 639.18 feet; 11) thence, along said LAFCO Proceeding No. 275, North 89°48′41″ East 2,659.12 feet; 12) thence, along said LAFCO Proceeding No. 275, South 00°24′18" East 1,339.94 feet to an angle point in said South line of said Lot 3; 13) Thence, along the South line of said Lot 3, North 89°32′00″ West 2,658.00 feet to an angle point in said South line of said Lot 3; 14) thence, along said South line of said Lot 3, South 00°28'00" East 1,309.60 feet to the POINT OF BEGINNING.

Containing 551.381 acres of land, more or less.

End of description.



That portion of real property situate in the County of Yolo, State of California, and being a portion of Section 2, Township 11 North, Range 1 West, Mount Diablo Base and Meridian, and also being all that Parcel of Land as described in Document No. 2003-0043016-00, said County Records, and being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 2; 1) thence, from said POINT OF BEGINNING and along the West line of said Section 2, North 00°08′46″ West 5,306.40 feet to the Northwest corner of said Section 2; 2) thence, along the North line of said Section 2, North 90°00′00″ East 3,337.63 feet to the West line of the Parcel of Land described as Parcel 1 in the Deed to the State of California, recorded May 5, 1976, in Book 1190 of Official Records, Page 67; thence, along said West line, the following six courses and distances: 3) South 02°20′03″ East 917.23 feet; 4) South 00°31′42″ West 300.38 feet; 5) South 02°20′03″ East 2,200.00 feet; 6) South 05°27′23″ East 275.41 feet; 7) South 87°39′57″ West 64.00 feet; and 8) South 01°25′03″ East 311.79 feet to the North line of the Southwest Quarter of the Southeast Quarter of said Section 2; 9) thence, along said North line and along the North line of the Southeast Quarter of the Southwest Quarter of said Section 2, North 89°42′50″ West 2,100.41 feet to the West line of said Southeast Quarter of the Southwest Quarter of said Section 2; 10) thence, along said West line, South 00°09′49″ East 1,320.00 feet to the South line of said Section 2; 11) thence, along said South line, North 89°43′29″ West 1,324.03 feet to the POINT OF BEGINNING.

Containing 351.900 acres of land, more or less.

End of description.

STOPHER W. L. S. 7906 P. CALIFORNIA OF CALIFORNIA

Christopher W. Lerch, L.S.

7-30-2020

