

Notice of Exemption

2019071035

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Nevada

From: (Public Agency): Nevada Local Agency

Formation Commission

950 Maidu Avenue, Nevada City, CA 95959

(Address)

Project Title: County Sanitation District: Annexation - Checkvala/Armstrong Road

Project Applicant: William Checkvala (property owner) and Rob Wood (consultant)

Project Location - Specific:

21495 Armstrong Road off of Combie Road in southern Nevada County near the Lake

Project Location - City: Grass Valley

Project Location - County: Nevada

Description of Nature, Purpose and Beneficiaries of Project:

to allow the existing residences to convert from septic systems to public sewer service

Name of Public Agency Approving Project: Nevada County Sanitation District (Zone 2, Lake of the Pines)

Name of Person or Agency Carrying Out Project: Nevada LAFCo

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Sec. 15319 annexation of existing facility
- Statutory Exemptions. State code number: _____

Reasons why project is exempt: Section 15319 of CEQA specifically exempts annexations of areas containing existing public or private structures developed to the density allowed by the current zoning provided the extension of utility services to the existing facilities would have capacity to serve only the existing facilities. The property is presently developed for residential use; consistent with Nevada County's General Plan and zoning designation.

Lead Agency

Contact Person: SR Jones, EO

Area Code/Telephone/Extension: 530 265 7182

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____

Date: 7.23.19

Title: Exec. Officer

Signed by Lead Agency Signed by Applicant

Governor's Office of Planning & Research

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: JUL 26 2019

STATE CLEARINGHOUSE

Resolution 19-16
of the
Local Agency Formation Commission
of Nevada County, California

Making Determinations and Approving
County Sanitation District (Lake of the Pines Zone)—Annexation: Checkvala Property

WHEREAS, an application for the annexation of a single parcel comprised of approximately 5 acres to the County Sanitation District, Zone 2 (Lake of the Pines), in order to secure District wastewater services to replace an existing private septic system was filed by the landowner with the Executive Officer of the Local Agency Formation Commission of Nevada County, California, and said application complied with all the requirements of law and the Commission; and,

WHEREAS, the proceedings for this change of organization are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Section 56000 *et seq.* of the Government Code; and

WHEREAS, the owner of the subject territory has applied for annexation to the County Sanitation District in order to obtain public sewer service to replace the two existing private septic systems, which presently serve three residential structures plus one accessory dwelling unit; and

WHEREAS, pursuant to Government Code Section 56857, the application was placed on the Commission's May 16, 2019 meeting agenda for informational purposes and also circulated to the County Sanitation District; and

WHEREAS, the County Sanitation District has provided a 'Will Serve' letter dated May 6, 2019 indicating sufficient capacity to serve the property as well as support for the annexation, and setting forth required conditions for connection of the subject territory to the District's system. The District has also provided a 'Plan for Service' which indicates connection to the District's sewer system will be feasible given the fact that the District's sewer line is located along Armstrong Road, adjacent to the subject territory; and,

WHEREAS, the Executive Officer has reviewed the application and prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave mailed notice of the date, time, and place of the Commission's consideration of said application; and

WHEREAS, at a hearing on July 18, 2019, the Commission considered the proposal and the report of the Executive Officer; the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard;

NOW, THEREFORE, the Local Agency Formation Commission of Nevada County hereby determines the following:

1. The subject territory comprises approximately 5.0 acres and, having fewer than 12 registered voters, is found to be uninhabited.
2. The determinations regarding consistency with Commission policy contained in the staff report for this proposal are hereby adopted and incorporated by reference herein.

3. The proposal is consistent with the sphere of influence of the County Sanitation District, as last updated in 2009, as well as the spheres of influence of other service providers in the area. The Commission is preparing to update the sphere of influence of the District in 2019, however, the proposal is consistent with the proposed sphere of influence update as well.
4. The Commission, in its capacity as Lead Agency for this proposal, has found that annexation of the subject parcel in order to provide wastewater service qualifies for exemption from CEQA review under Class 19 of the state CEQA Guidelines (Annexation of Existing Facilities and Lots for Exempt Facilities). The Commission has considered the following factors relative to land use, zoning and development, which are outlined in the LAFCo Staff Report, and has found that there are no unusual circumstances relative to this project which would disqualify it for application of the exemption:
 - 4.1. The parcel is presently developed for residential uses, in accordance with the applicable County General Plan and Zoning designations.
 - 4.2. The parcel presently utilizes its own private septic system for wastewater disposal. Annexation to the County Sanitation District pursuant to the District's Will Serve letter and Plan for Service will allow the property to be connected to the District's public sewer system. The connection is sized to support only the existing level of development on the property.
 - 4.3. No unusual circumstances relative to the district's service have been previously identified or raised or otherwise brought to the Commission's attention.
5. Upon annexation, the cost of providing service to the territory will be funded by application of the County Sanitation District's annual sewer rates to the property. Such rates are established in accordance with Health and Safety Code Sections 5470 – 5474.10 and in compliance with Proposition 218. The County Sanitation District receives no property tax and is funded entirely through its rate structure.
6. The Commission has provided written mailed notice of its proceedings to registered voters and landowners within the affected territory and within 300 feet of the affected territory, and the notice has disclosed that the Commission intends to waive protest proceedings unless written opposition to the proposal is received prior to the close of the Commission hearing. During the Commission's hearing, no written opposition or voiced objections from landowners or registered voters within the subject territory was presented to the Commission.

NOW, THEREFORE, the Commission resolves and orders the following:

1. The boundaries, as set forth in the proposal, are hereby approved as described in *Exhibit A* attached hereto and by this reference incorporated herein.
2. The proposal is approved, subject to terms and conditions as stated herein and as required by the County Sanitation District as provided in the Will Serve letter provided by the District.
3. The change of organization is assigned the following distinctive short-form designation:
County Sanitation District, Zone 2 (Lake of the Pines)—Annexation: Checkvala Property
4. The change of organization consists of the following jurisdictional changes:
 - County Sanitation District – Annexation
5. The regular county assessment roll will be utilized.

6. No existing bonded indebtedness shall be affected by this reorganization.
7. As authorized by Section 56886 (t) of the Government Code, all previously authorized charges, fees, assessments, or taxes currently levied by the District shall be extended to the subject territory upon completion of this annexation.
8. The exchange of tax revenues shall be performed in accordance with the Nevada County Board of Supervisors Resolution 06-162, which establishes apportionment of property tax revenues upon annexation by special districts.
9. In accordance with the provisions of Section 56663 of the Government Code, and with Nevada LAFCo Policies, the Commission hereby waives the protest hearing for this matter and directs the Executive Officer to take action as appropriate in accordance with LAFCo Policies and the requirements of Chapter 3, Part 4 of Division 3 of the California Government Code.
10. Staff is directed to file a Notice of Exemption citing Class 19, Section 21083 of the Public Resources Code.
11. The Executive Officer is hereby authorized and directed, upon satisfaction that all applicable fees have been paid and conditions for completion fulfilled, to prepare and file a Certificate of Completion as provided by Section 57200 of the California Government Code and to mail copies of this resolution to each affected local agency as provided in Section 56882.

The foregoing resolution was duly passed by the Local Agency Formation Commission of Nevada County at a regular meeting held on July 18, 2019, by the following roll call vote:

Ayes: Aguilar, Anderson, Beckenbach, Miller, Minett, Susman, Grundel


Noes: none

Abstentions: none

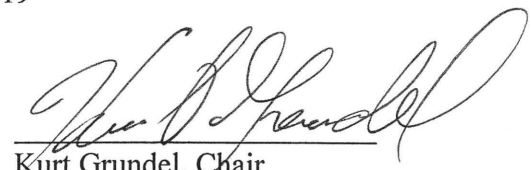
Absent: none

Signed and approved by me after its passage this 18th day of July, 2019

Attest:



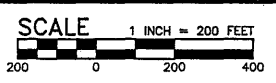
SR Jones, Executive Officer



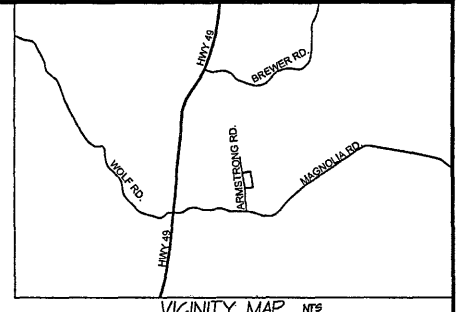
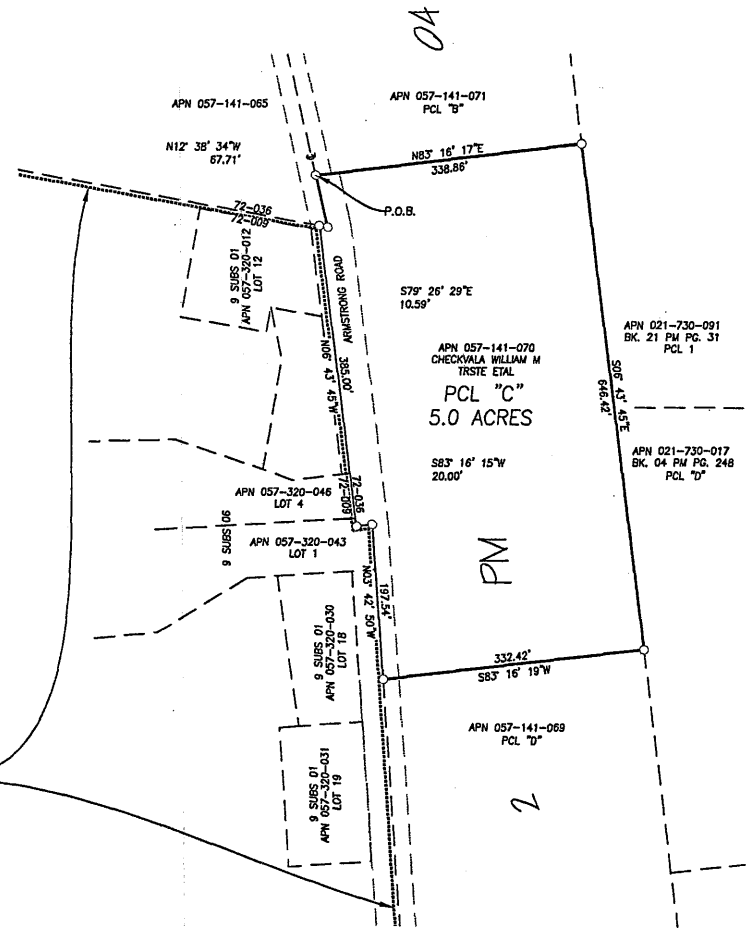
Kurt Grundel, Chair
Nevada LAFCo

Governor's Office of Planning & Research
JUL 26 2013
STATE CLEARINGHOUSE

from DD Geomatics
6/11/19



Scale 1"=100'



APPROVED BY NEVADA COUNTY LOCAL AGENCY FORMATION COMMISSION.

RESOLUTION NUMBER, _____
DATE: _____

THIS MAP, WHEN RECORDED, WAS ACCOMPANIED BY A CERTIFICATE OF COMPLETION, PREPARED PURSUANT TO SECTIONS 57200-57202 OF THE GOVERNMENT CODE, TO WHICH WAS ATTACHED A CERTIFIED COPY OF THE BOUNDARY DESCRIPTION OF THE TERRITORY SHOWN ON SAID MAP. THE CERTIFICATE OF COMPLETION IS RECORDED AS DOCUMENT NO. _____ NEVADA COUNTY RECORDS.

S.R. JONES
EXECUTIVE OFFICER, LAFCO

RECORDER'S STATEMENT

RECORDED AT THE REQUEST OF S.R. JONES, EXECUTIVE OFFICER OF NEVADA COUNTY LOCAL AGENCY FORMATION COMMISSION, AT _____ A.M./P.M. THIS DAY OF _____ 2019, IN BOOK _____ OF SURVEYS AT PAGE _____, NEVADA COUNTY RECORDS.

DOCUMENT NO.: _____ GREGORY J. DIAZ
NEVADA COUNTY RECORDER
FEE: _____ BY: _____

THIS MAP WAS PREPARED OR UNDER THE DIRECTION OF: _____
RONALD S. DUNDAS, PLS 4415
LICENCE EXPIRES _____

EXISTING COUNTY SANITATION DISTRICT NO. 1 BOUNDARY

- LEGEND**
- DIMENSION POINT
 - TAX AREA CODE LINE
 - EXISTING DISTRICT BOUNDARY



**COUNTY SANITATION DISTRICT:
ANNEXATION - CHECKVALA/ARMSTRONG ROAD**

BEING PARCEL "C", OF THE PARCEL MAP,
RECORDED IN BOOK 2 OF PARCEL MAPS, AT PAGE 4, D.R.N.C.
A PORTION OF SECTION 21, T. 14 N. 8 E., M.D.M.,
IN THE UNINCORPORATED AREA NEVADA COUNTY, CALIFORNIA

MAY 2019 SCALE 1" = 200'

DUNDAS GEOMATICS INC.
GEOMATIC & CIVIL ENGINEERS

149 CROWN POINT COURT, SUITE-D
GRASS VALLEY, CA 95945
(530) 274-1616