



AGENDA ITEM 7A

MEETING: July 21, 2021
TO: Humboldt LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: **Proposed Metropolitan Road Annexation to the City of Rio Dell**
The Commission will consider a proposal submitted by resolution of application by the City of Rio Dell (City) for an annexation of 53 acres of land (2 parcels and partial Caltrans ROW) consisting of the City owned wastewater disposal field and adjacent Highway 101 right-of-way. Staff recommends approval of the proposal with conditions incorporated.

LAFCoS are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as district formations, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. LAFCoS are authorized with broad discretion in amending and conditioning changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements.

A. BACKGROUND

Proceedings for this annexation were initiated by the City of Rio Dell (City). The City proposal includes annexation of approximately 53 acres of land (2 parcels and partial Caltrans ROW) located outside and adjacent to the City boundary along Metropolitan Road and Highway 101. The City proposes annexation of APN 205-111-039 (city owned parcel) as it is used as a disposal field for treated wastewater effluent and is owned by the City. Annexing the property would allow the City to save approximately \$2,000 per year in property taxes. The additional Caltrans ROW (including APN 205-111-032) is to be included in order to create a logical coterminous boundary for the City.

B. DISCUSSION

Reasons for Proposal

According to the City's application, the reasons for the proposed annexation are as follows:

The property is owned by the City and is used as a disposal field for treated wastewater effluent. In addition, lands owned by the City outside the City limits are subject to property tax, costing the City approximately \$2,000 per year. Annexation of the City owned parcel would save the City thousands of dollars annually.

Description of Annexation Areas

The annexation area is located north of the Eel River and west of Highway 101, just northwest of the Rio Dell Bridge. It adjoins the Eel River to the south and Metropolitan Road to the north. The city-owned parcel is fairly flat, within the 100-year flood plain, and is considered grazing land. The Caltrans-owned parcel is currently used for material stockpiling and land for the road prism.



Provision of Public Services

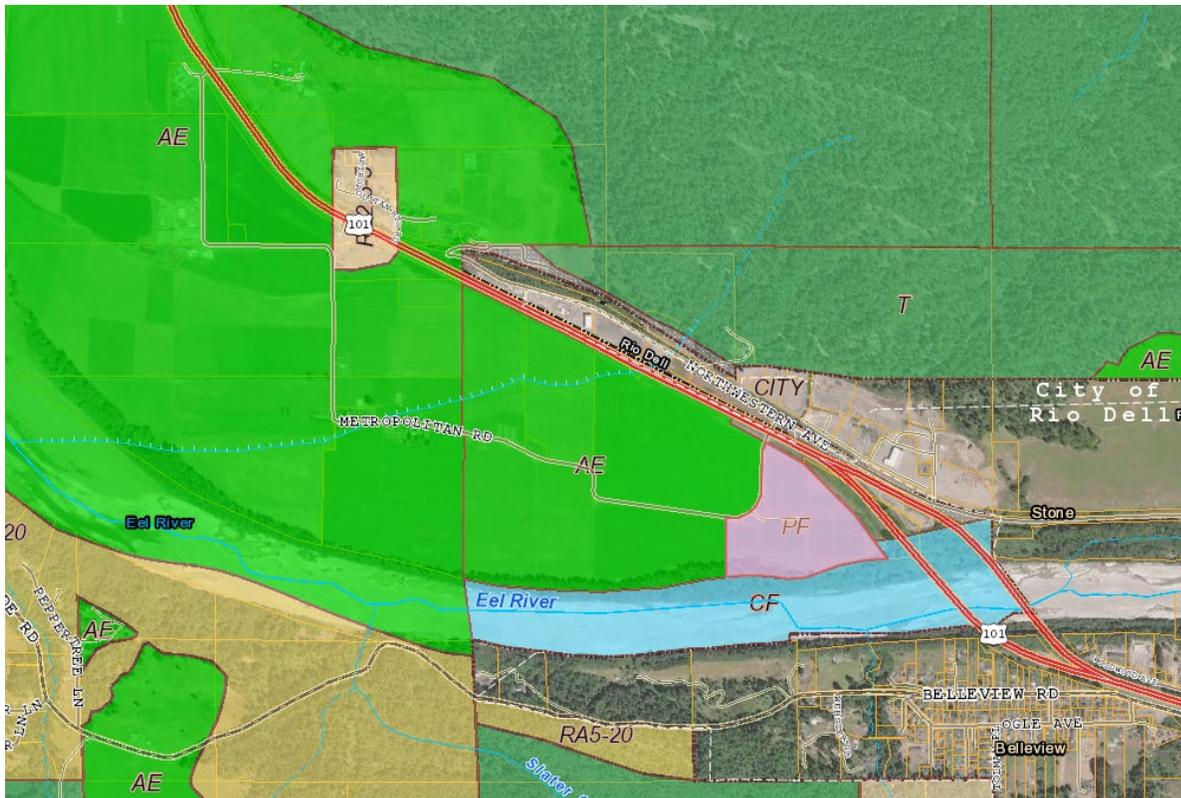
There is no existing or proposed development in the annexation area and therefore the provision of water and wastewater services for urban uses will not be required. The subject area is within the Fortuna Fire Protection District and police services would be provided by the City. Metropolitan Road, which provides access to APN 205-111-039 (city-owned wastewater disposal field parcel) is proposed to remain within the County and therefore road maintenance would continue to be the responsibility of Humboldt County Public Works.

In response to LAFCo's referral to affected and interested agencies dated June 2, 2021 (see Agency Referral, Attachment C), Humboldt County Public Works provided written comments and has requested that the annexation area be expanded to include the portion of Metropolitan Road adjacent to the annexation area (see County Public Works Comment Letter, Attachment D). Currently our Commission policy for streets is:

Require that all proposals for annexation to a city include streets within the proposal area and the entire width of any street bounding the proposal area;

the streets shall become city streets upon annexation. The Commission may exclude from a proposal any street bordering the affected territory if the Commission concludes that such exclusion would result in more logical boundaries.

Considering the requested ROW segment provides direct access to the City's parcel, LAFCo staff recognizes County Public Works justification that it should be included within the City's annexation. However, considering the territory proposed for annexation is for wastewater disposal field rather than residential development, and considering the remainder of the road will be staying within the County based on the adjacent land being designated Agricultural Exclusive and therefore unlikely to be annexed into the City in the future, it is recommended that the entirety of Metropolitan Road stay within the County. This would result in more logical boundaries and continuity of road maintenance responsibilities.



Land Use

Land uses within the proposed annexation area are currently subject to the Humboldt County General Plan and Zoning Regulations (Humboldt County Code Title III, Division 1).

- APN 205-111-039: Owned by the City and designated Public Facility under the County General Plan.
- APN: 205-111-032: Owned by Caltrans and used for the Highway 101 road prism. The parcel is partially designated as a Conservation Floodway under the County General Plan.

Surrounding land use includes Agricultural Exclusive to the west and Conservation Floodway to the south along the Eel River.

Prezoning

The annexation area is currently designated Public Facility under the Humboldt County General Plan and zoned Agriculture Exclusive and Unclassified. After holding a noticed public hearing, the City adopted Resolution 383-2021 on March 2, 2021 which assigned prezoning of Public Facility to the annexation area. The City also determined that the annexation is consistent with the City's 2018 updated Municipal Service Review and Sphere of Influence.

Property Tax Exchange Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCo can consider a proposed boundary change. The proposal would apply a master property tax exchange agreement adopted by the City and the County in 1981; an agreement specifying Rio Dell shall receive 24.71 percent of the County's existing portion of property tax revenues generated from the affected territory.

C. ANALYSIS

The analysis of the proposal is organized into two sections. The first section considers the proposal relative to the factors mandated for review by the Legislature anytime LAFCos review boundary changes. The second section considers issues required by other applicable State statutes in processing boundary changes, such as environmental compliance with the California Environmental Quality Act.

Required Factors for Review

G.C. Section 56668 requires the Commission to consider 17 specific factors anytime it reviews proposals for a change of organization or reorganization involving a city. The majority of the prescribed factors focus on the impacts of the proposed boundary changes on the service and financial capacities of the affected agencies. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process.

A summary of key statements and conclusions generated in the review of the mandated factors for the proposal follows, with a complete analysis provided in Attachment B.

- The annexation area is considered uninhabited, consisting of fewer than 12 registered voters and is prezoned as Public Facility. Total assessed value of land for the annexation is \$191,180.
- In response to an early notice of hearing/application provided by the City of Rio Dell to interested and affected agencies, Caltrans District 1 provided comments that are included in the record (see Attachment E).
- County Public Works has recommended that the portion of Metropolitan Road adjacent to the annexation area be included within the City's annexation area.

However, as the remainder of the road will be staying within the County, and the adjacent land is Agricultural Exclusive and unlikely to be annexed into the City in the future, it is recommended that the entirety of Metropolitan Road stay within the County.

Other Considerations

- o Municipal Service Review and Sphere of Influence

The Commission approved the City of Rio Dell MSR and SOI Update in November 2018, which evaluated the availability and performance of governmental services provided by the City pursuant to California Government Code Section 56430. The proposed annexation would not require an update to the SOI as it is within the approved SOI.

- o Environmental Review

All matters that involve discretionary action are subject to the applicable provisions of the California Environmental Quality Act (CEQA). The City has determined that the annexation is Categorical Exempt pursuant to Section 15319 of the CEQA Guidelines – Annexations of Existing Facilities.

- o Conducting Authority Proceedings

The proposed annexation area is considered uninhabited. As such, unless written opposition to the proposed annexation is received before the conclusion of Commission proceedings, the Commission may choose to waive protest proceedings for the annexation pursuant to Section 56663 of the CKH Act.

D. RECOMMENDATION

Staff has analyzed the proposed annexation boundary and finds that it would be in keeping with the general regulations of policies of LAFCo and the City of Rio Dell. It is recommended that the Commission approve the annexation as originally proposed.

Should the proposed annexation boundary be approved by the Commission, it is recommended the following conditions be included:

- a) Completion of the 30-day reconsideration period provided under G.C. Section 56895.
- b) Submittal of a final map and geographic description of the affected territory to LAFCo and the Humboldt County Surveyor for review conforming to the requirements of the State Board of Equalization.
- c) Payment of any outstanding fees as identified in the Commission's adopted fee schedule.

Alternatives for Commission Action

Staff has identified the following options for Commission consideration with respect to the proposal. These options are summarized below.

- o Alternative Action One:
Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.
- o Alternative Action Two:
Based on County Public Works comments and Commission policy, the Commission may approve or conditionally approve the annexation with amendment to include the segment of Metropolitan Road adjacent to the annexation area in accordance with Government Code Section 56375 (a)(1).
- o Alternative Action Three:
Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action.

Procedures for Consideration

This item has been agenzized for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- A. Receive verbal report from staff.
- B. Open the public hearing and invite testimony.
- C. Discuss item and – if appropriate – close the hearing and consider action on the proposal.

"I move to adopt Resolution No. 21-12, approving the annexation of 53 acres along Metropolitan Road to the City of Rio Dell, as described in the staff report, subject to the recommended conditions."

Attachments

Attachment A: Figures of Proposed Annexation Area

Attachment B: Required Factors for Review

Attachment C: Notice of Filing (Referral) to Agencies

Attachment D: County Public Works Comment Letter

Attachment E: CALTRANS Comment Letter in response to City notice of application

Attachment F: Mailed Hearing Notice to Landowners

Attachment G: Draft Resolution No. 21-12

City of Rio Dell Potential Annexation

Background

The City's original intent was to only annex the City wastewater treatment disposal field. LAFCO has suggested that the proposed annexation area be expanded to include the adjacent State lands owned by Caltrans. The City has no interest in annexing any portion of Metropolitan Road. The proposed annexation area is approximately 53 acres.

APN 205-111-039

Parcel is approximately 30 acres and is used exclusively as the City of Rio Dell's wastewater treatment disposal field.

APN 205-111-032

Parcel is owned by Caltrans and the area between south-bound Highway 101 and north-bound Highway 101 is currently used as bridge approaches and a fill site.

Existing Zoning Designations:

The eastern half of APN 205-111-039 is currently zoned Agriculture Exclusive, 160 acre minimum (AE-160). The remaining potential annexation lands are zoned Unclassified (U). It is the City's understanding that the area will be redesignated to Public Facility as part of the General Plan Update zoning implementation.

Existing General Plan Designations:

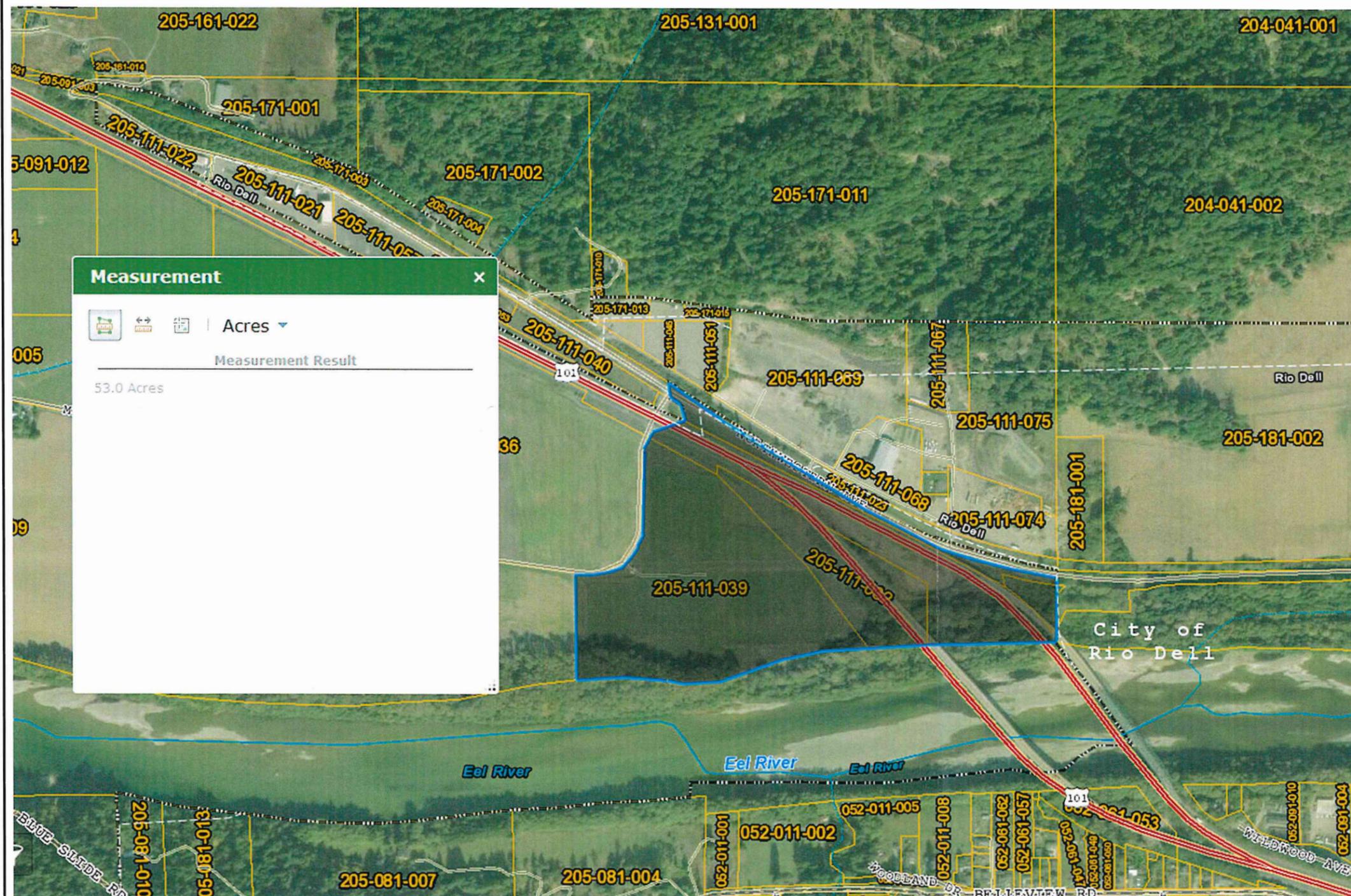
APN 205-111-039 is currently designated Public Facility (PF) by the County. The remaining potential annexation lands do not have land use designations applied to them by the County.

Proposed Zoning & General Plan Designations:

The City of Rio Dell intends on designating the lands Public Facility (PF).

Contact:

City of Rio Dell
Kevin Caldwell, Community Development Director
P (707) 764-3532
E caldwellk@cityofriodell.ca.gov



Source: Humboldt County GIS

City of Rio Dell Potential Annexation

Background

The City's original intent was to only annex the City wastewater treatment disposal field. LAFCO has suggested that the proposed annexation area be expanded to include the adjacent State lands owned by Caltrans. The City has no interest in annexing any portion of Metropolitan Road. The proposed annexation area is approximately 53 acres.

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Existing Zoning Designations:

The eastern half of APN 205-111-039 is currently zoned Agriculture Exclusive, 160 acre minimum (AE-160). The remaining potential annexation lands are zoned Unclassified (U). It is the City's understanding that the area will be redesignated to Public Facility as part of the General Plan Update zoning implementation.

Existing General Plan Designations:

APN 205-111-039 is currently designated Public Facility (PF) by the County. The remaining potential annexation lands do not have land use designations applied to them by the County.

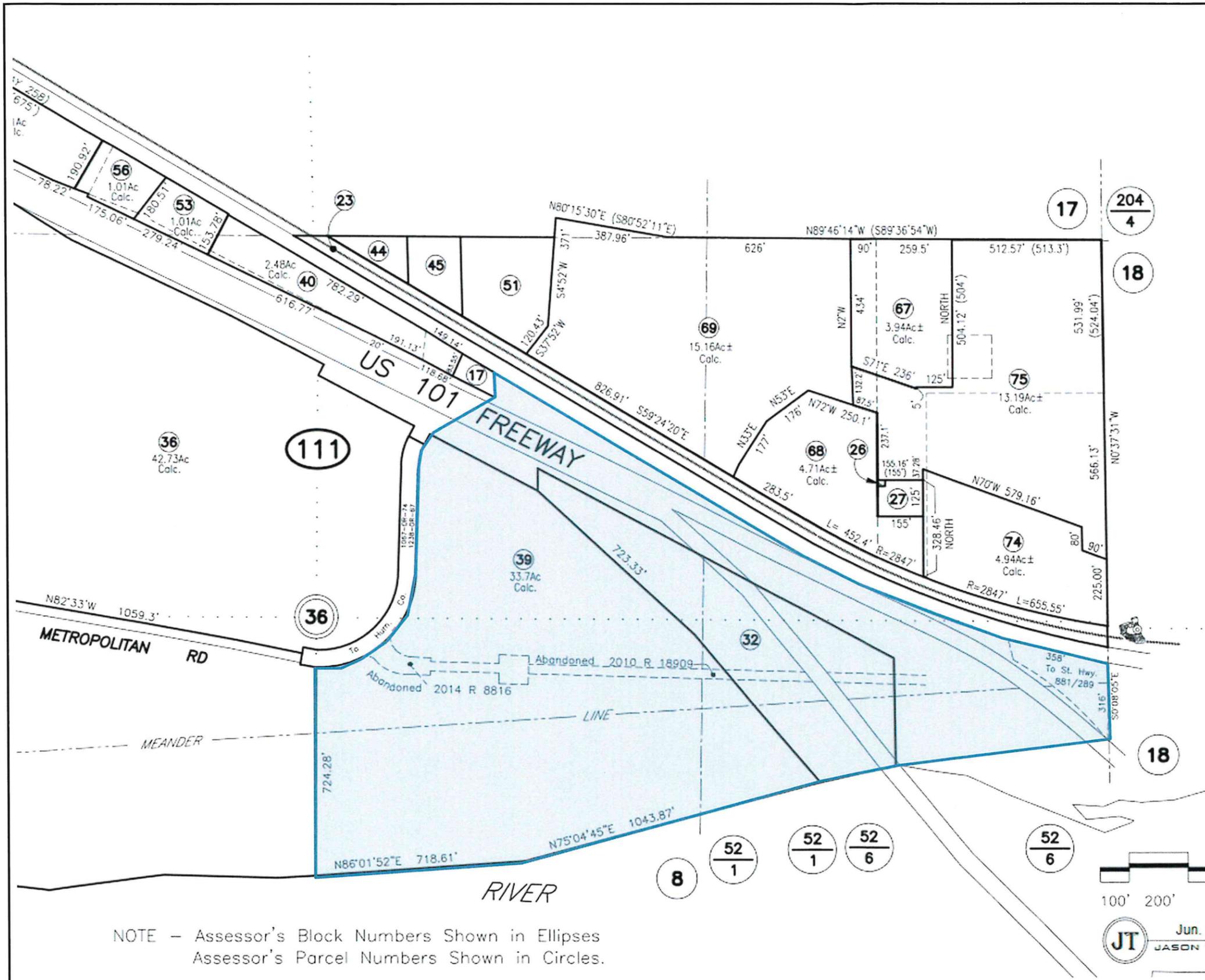
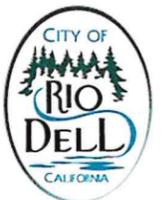
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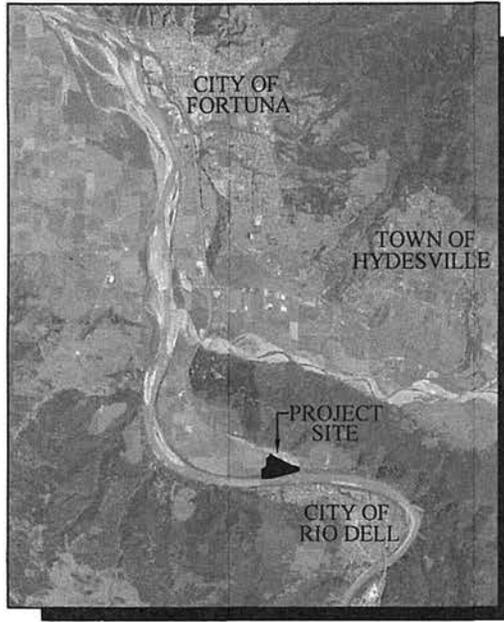
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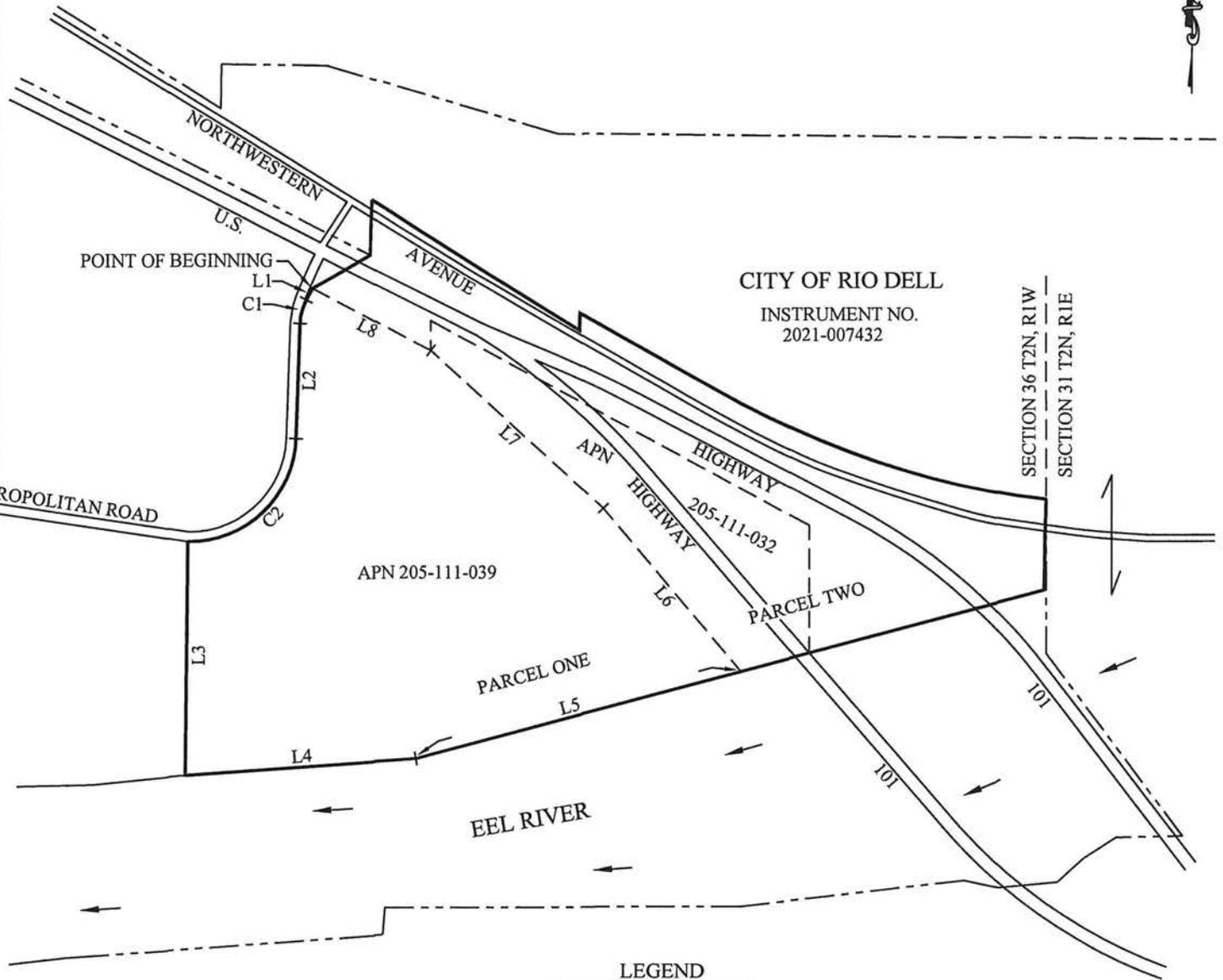


NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

LOCATION MAP



-NOT TO SCALE-



CITY OF RIO DELL
INSTRUMENT NO.
2021-007432

SECTION 36 T2N, R1W
SECTION 31 T2N, R1E

APN 205-111-039

APN HIGHWAY
205-111-032

PARCEL TWO

PARCEL ONE

EEL RIVER

LINE TABLE

	BEARING	DISTANCE
L1	S27°47'35"W	40.00
L2	S 2°00'00"W	358.03
L3	S 0°30'31"W	724.28
L4	N86°01'52"E	718.61
L5	N75°04'45"E	1043.87
L6	N40°14'00"W	661.61
L7	N47°30'19"W	727.33
L8	N62°12'25"W	416.73

CURVE TABLE

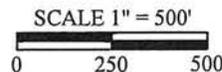
	RADIUS	DELTA	LENGTH
C1	170.02	25°47'35"	76.54
C2	330.03	89°06'20"	513.26

LAFCO RESOLUTION NO. _____

RIO DELL ANNEXATION
IN

E 1/2 SECTION 36 T2N, R1W, HUMBOLDT MERIDIAN
IN THE UNINCORPORATED AREA OF
HUMBOLDT COUNTY
MARCH 22, 2021 SCALE 1" = 500'

HUMBOLDT COUNTY
STATE OF CALIFORNIA
KELLY-O'HERN ASSOCIATES
EUREKA, CALIFORNIA



LEGEND

- EXISTING CITY OF RIO DELL BOUNDARY
- PROPOSED ANNEXATION LINE
- - - EXISTING APN BOUNDARY

DISCLAIMER:

"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."

**ATTACHMENT B
ANALYSIS OF REQUIRED FACTORS**

Government Code Section 56668 requires the Commission to consider 17 specific factors anytime it reviews proposals for a change of organization or reorganization involving special districts. The purpose in considering these factors is to help inform the Commission in its decision-making process.

1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

Parcels APN 205-111-039 and 205-111-032 are located adjacent to Highway 101 and Metropolitan Road on the northeastern edge of the City of Rio Dell (City). The area is generally flat and used for agricultural grazing and production in addition to treated wastewater disposal for the City. The Eel River is located immediately south of the annexation area. There are no dwellings in the proposed annexation area and it is considered uninhabited. The current assessed valuation of the land is \$191,180. No development is anticipated in or adjacent to the area during the next 10 years.

2) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

There is no need for expanded services within the proposed annexation area as it is uninhabited. No development of the area is proposed and it is currently within the Fortuna Fire Protection District Boundary. Upon annexation, the area not located within the highway prism will come under the Rio Dell Police Department jurisdiction. Highway 101 will remain within California Highway Patrol jurisdiction.

3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

The proposed annexation to the City will not substantially expand the City boundary. It will only encompass the City's wastewater disposal field and adjacent highway area in order to create a logical boundary. The annexation would have no perceived effect on adjacent areas, mutual social or economic interests or county government structure.

4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The annexation does not involve any changes to the type or level of services provided in the area, would not convert agricultural land or open space uses, and does not propose to change land uses or land use patterns. Therefore, the proposal does not conflict with G.C. Section 56377.

5) *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.*

The proposed annexation would not convert agricultural land or involve the construction of or alteration to structures, grading, or other site disturbing activities on land planned for agriculture and does not propose to change land uses or land use patterns.

6) *The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.*

The annexation area is adjacent to the current jurisdictional boundary of the City. The proposed annexation will create a contiguous boundary. Originally the City proposed annexing only the wastewater field parcel. However, this would create a small island of unincorporated land where Highway 101 is located. After consultation with LAFCo, the City choose to include Highway 101 in order to create a contiguous boundary.

Where possible, the proposed annexation area follows assessor parcel lines. However, a portion of the area adjacent to APN 205-111-032 is not a designated parcel as it consists of the Eel River and Highway 101 right-of-way. In this area, the boundary follows the existing City boundary and adjacent parcel lines, where possible, in order to create a logical boundary on the northern side of the river.

7) *A regional transportation plan adopted pursuant to G.C. Section 65080.*

The Humboldt Regional Transportation Plan (RTP) was last updated in 2017 and is a long-range transportation planning document for Humboldt County. No specific projects are included in the RTP involving the affected territory.

8) *Consistency with city or county general and specific plans.*

Land uses within the annexation area are subject to the Humboldt County General Plan and Zoning Regulations (Humboldt County Code Title III, Division 1). There are no specific policies pertaining to annexation of the subject area or any policies that would affect annexation of city owned parcels into the City. As such, the proposed annexation will not conflict with city or county general or specific plans.

9) *The sphere of influence of any local agency which may be applicable to the proposal being reviewed.*

The proposed annexation is within the City's sphere of influence. Therefore, the annexation is consistent with the planned future area of the City, as determined by the Commission.

10) *The comments of any affected local agency or other public agency.*

Upon receiving the application, LAFCo staff circulated a Notice of Filing (referral) to interested and subject agencies (see [Attachment C](#)). LAFCo received comments from the Humboldt County Department of Public Works requesting that Metropolitan Road be included in the annexation area as it serves the land being annexed and that the legal description for the area be reviewed and approved by the County Surveyor (see [Attachment D](#)). No other comments were received.

Metropolitan Road extends from Highway 101 at Chapman's Gem and Mineral Shop south to Highway 101 at the wastewater disposal field just before the Eel River. The road provides access to agricultural fields and rural residences in the area that border the river. It is unlikely that the area would be further developed and annexed into either Rio Dell or Fortuna and as such, the majority of Metropolitan Road will remain with the County. Since there will be no increase in traffic and no additional infrastructure is needed, it is recommended that the entirety of Metropolitan Road remain within the County in order to maintain consistency with road maintenance and regulations.

11) *The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.*

The City currently owns and maintains parcel APN 205-111-039 and is therefore already budgeted in current City expenditures. No development or installation of additional infrastructure is proposed as part of the annexation. Upon annexation, the City will no longer have to pay additional property taxes to the County and will therefore save approximately \$2,000 per year.

12) *Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.*

No additional water is required for the annexation area. APN 205-111-039 is used as a wastewater disposal field where treated water is used to irrigate vegetation for grazing.

13) *The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.*

The proposal would not impact any local agencies in accommodating their regional housing needs.

14) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

LAFCo prepared and sent out a notice to affected and adjacent landowners within 500 feet of the annexation boundary. No comments were received.

15) Any information relating to existing land use designations.

Land uses within the annexation area are subject to Humboldt County General Plan and Zoning Regulations (Humboldt County Code Title III, Division 1). APN 205-111-09 is designated Public Facility which is consistent with its current use as part of the City's wastewater treatment system. APN 205-111-032 is partially designated Conservation Floodway near the Eel River but is otherwise undesignated which is consistent with its use as a highway right-of-way.

16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the local of public facilities and the provision of public services.

The proposal would not result in inconsistencies with environmental justice safeguards. The proposed annexation is intended to clearly define service responsibilities for the benefit of neighboring service providers, land use officials, and the public. No minority populations or otherwise disadvantaged communities will be adversely affected by the proposed annexation.

17) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

The proposed annexation area is within a Local Response Area and is under the jurisdiction of the Fortuna FPD. The area is generally flat and located adjacent to the Eel River. In the Humboldt County Operational Area Hazard Mitigation Plan, the area is designated as low to moderate fire hazard severity (Volume 2: Planning Partner Annexes). Based on the areas topography, influence from the coast, and location next to the river, it is unlikely it will be designated as a high fire risk area in a safety or hazard mitigation plan.



NOTICE OF FILING

DATE: June 2, 2021

TO: California Department of Transportation (Caltrans District 1)
Fortuna Fire Protection District
Rio Dell Fire Protection District
CAL FIRE Humboldt Del Norte Unit
Humboldt Bay Harbor, Recreation and Conservation District
Humboldt County Administrative Office
Humboldt County Assessor's Office
Humboldt County Auditor's Office
Humboldt County Environmental Health
Humboldt County Elections Office
Humboldt County Office of Education
Humboldt County Office of Emergency Services
Humboldt County Planning and Building Department
Humboldt County Public Works Department
Humboldt County Resource Conservation District
Humboldt County Sheriff's Office

Cc: Kevin Caldwell, City of Rio Dell

FROM: Krystle Heaney, LAFCo Clerk/Analyst
Colette Santsche, LAFCo Executive Officer

SUBJECT: APPLICATION RECEIVED – CITY OF RIO DELL METROPOLITAN ROAD ANNEXATION

APPLICATION INFORMATION

Project: Proposed Annexation of City Owned Wastewater Disposal Field and Highway Right-of-Way into the City of Rio Dell

Location: Metropolitan Road at Highway 101, Rio Dell, CA – see Exhibit A

APNs: 205-111-032, -039, and adjacent Highway 101 Right-of-Way (no APN assigned)

Notice: The above referenced proposal has been submitted to LAFCo and this notice of filing is being issued in accordance with Government Code Section 56658(b)(1). If you wish to receive a copy of the application and supporting documents, please contact LAFCo staff at krystleh@humboldtlafo.org. We request agency comments, requested conditions, or recommendations by **June 23, 2021**.

Proposal Overview

LAFCo has received a proposal submitted by resolution of application from the City of Rio Dell (Resolution No. 1479-2021) for annexation of approximately 53 acres of land (2 parcels and partial Caltrans ROW) located adjacent to the City boundary and within its

current Sphere of Influence. The annexation was initiated by the City of Rio Dell in order to incorporate the city-owned wastewater disposal field used for flood irrigation of treated wastewater effluent (APN 205-111-039). Annexation of the adjacent Highway 101 right-of-way that includes APN 205-111-032 would create a logical and contiguous City boundary without the creation of islands.

The City of Rio Dell previously circulated a project referral on January 11, 2021, providing notice of intention to adopt a resolution of application to LAFCo. Subsequently, an application was submitted to LAFCo in May 2021.

Reasons for Proposal

According to the City's application, the reasons for the proposed annexation are as follows:

The property is owned by the City and is used as a disposal field for treated wastewater effluent. In addition, lands owned by the City outside the City limits are subject to property tax, costing the City approximately \$2,000 per year. Annexation of the City owned parcel would save the City thousands of dollars annually.

Description of Annexation Areas

The annexation area is located just north of the Eel River and west of Highway 101, just northwest of the Rio Dell Bridge. It adjoins the Eel River to the south and Metropolitan Road to the north. The city-owned parcel is fairly flat, within the 100 year flood plain and is considered grazing land. The Caltrans-owned parcel is currently used for material stockpiling and land for the road prism.

Rezoning

The annexation area is currently designated Public Facility under the Humboldt County General Plan and zoned Agriculture Exclusive and Unclassified. After holding a noticed public hearing, the City adopted Resolution 383-2021 on March 2, 2021 which assigned rezoning of Public Facility to the annexation area. The City also determined that the annexation is consistent with the City's 2018 updated Municipal Service Review and Sphere of Influence.

Provision of Public Services

There is no existing or proposed development in the annexation area and therefore water and wastewater services will not be required. The subject area is within the Fortuna Fire Protection Districts boundary and police services are provided by the City. Upon annexation, road maintenance will be provided by the City.

Property Tax Exchange Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCo can consider a proposed boundary change. The proposal would apply a master property tax exchange agreement adopted by the City and the County in 1981; an agreement

specifying Rio Dell shall receive 24.71 percent of the County's existing portion of property tax revenues generated from the affected territory.

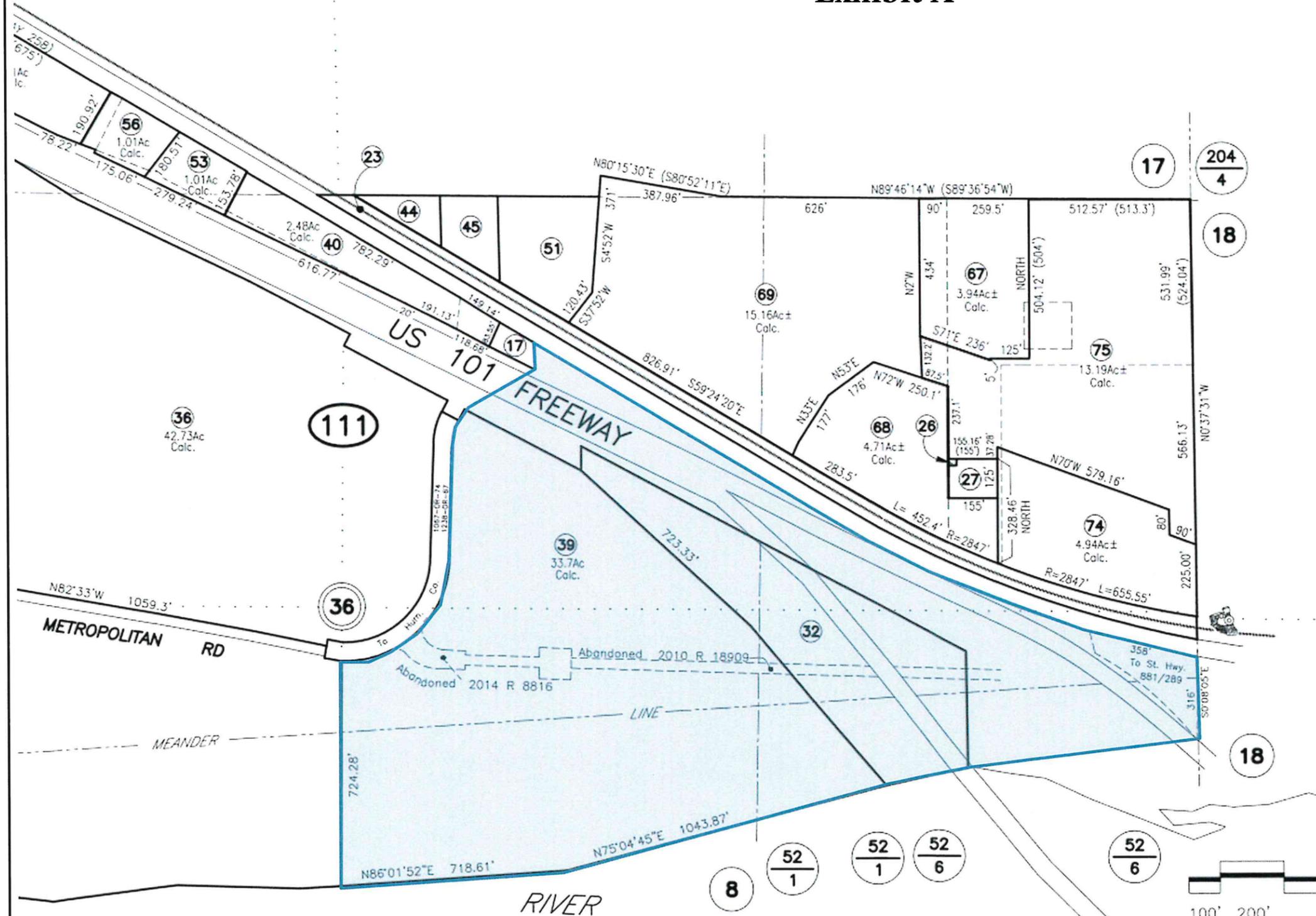
Environmental Review

All matters that involve discretionary action are subject to the applicable provisions of the California Environmental Quality Act (CEQA). The City has determined that the annexation is Categorically Exempt pursuant to Section 15319 of the CEQA Guidelines – Annexations of Existing Facilities.

The application described above is pending LAFCo review. Please review and respond with any comments, requested conditions, or recommendations by June 23, 2021. If you have any questions or wish to request a copy of the application, please contact LAFCo at (707) 445-7508 or krystleh@humboldtlafo.org.

Exhibit A: Annexation Area Figure

Exhibit A



NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.

City of Rio Dell Potential Annexation

Background

The City's original intent was to only annex the City wastewater treatment disposal field. LAFCO has suggested that the proposed annexation area be expanded to include the adjacent State lands owned by Caltrans. The City has no interest in annexing any portion of Metropolitan Road. The proposed annexation area is approximately 53 acres.

APN 205-111-039

Parcel is approximately 30 acres and is used exclusively as the City of Rio Dell's wastewater treatment disposal field.

APN 205-111-032

Parcel is owned by Caltrans and the area between south-bound Highway 101 and north-bound Highway 101 is currently used as bridge approaches and a fill site.

Existing Zoning Designations:

The eastern half of APN 205-111-039 is currently zoned Agriculture Exclusive, 160 acre minimum (AE-160). The remaining potential annexation lands are zoned Unclassified (U). It is the City's understanding that the area will be redesignated to Public Facility as part of the General Plan Update zoning implementation.

Existing General Plan Designations:

APN 205-111-039 is currently designated Public Facility (PF) by the County. The remaining potential annexation lands do not have land use designations applied to them by the County.

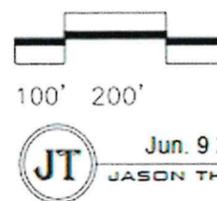
Proposed Zoning & General Plan Designations:

The City of Rio Dell intends on designating the lands Public Facility (PF).

Contact:

City of Rio Dell
 Kevin Caldwell, Community Development Director
 P (707) 764-3532

E caldwellk@cityofriodell.ca.gov





Krystle Heaney <krystleh@humboldtlafo.org>

City of Rio Dell Annexation Referral

Bronkall, Bob <BBronkall@co.humboldt.ca.us>
To: "krystleh@humboldtlafo.org" <krystleh@humboldtlafo.org>
Cc: "Garton, Ron" <RGarton@co.humboldt.ca.us>

Thu, Jun 3, 2021 at 12:59 PM

Krystle-

Thank you for referring the project to the Humboldt County Department of Public Works. The Department requests:

1. That the annexation area must be expanded to include Metropolitan Road as shown in RED in the diagram below. Metropolitan Road serves the lands being annexed and should therefore be included in the annexation.
2. That the legal description for the proposed annexation must be reviewed and approved by the County Surveyor to ensure that the legal description is adequate to define the city limit / unincorporated boundary line. Note that the County Surveyor charges a fee to review LAFCO legal descriptions.

If you have any questions or concerns regarding the Department's request, please call me.

--Bob



Robert W. Bronkall, PE, LS

Deputy Director

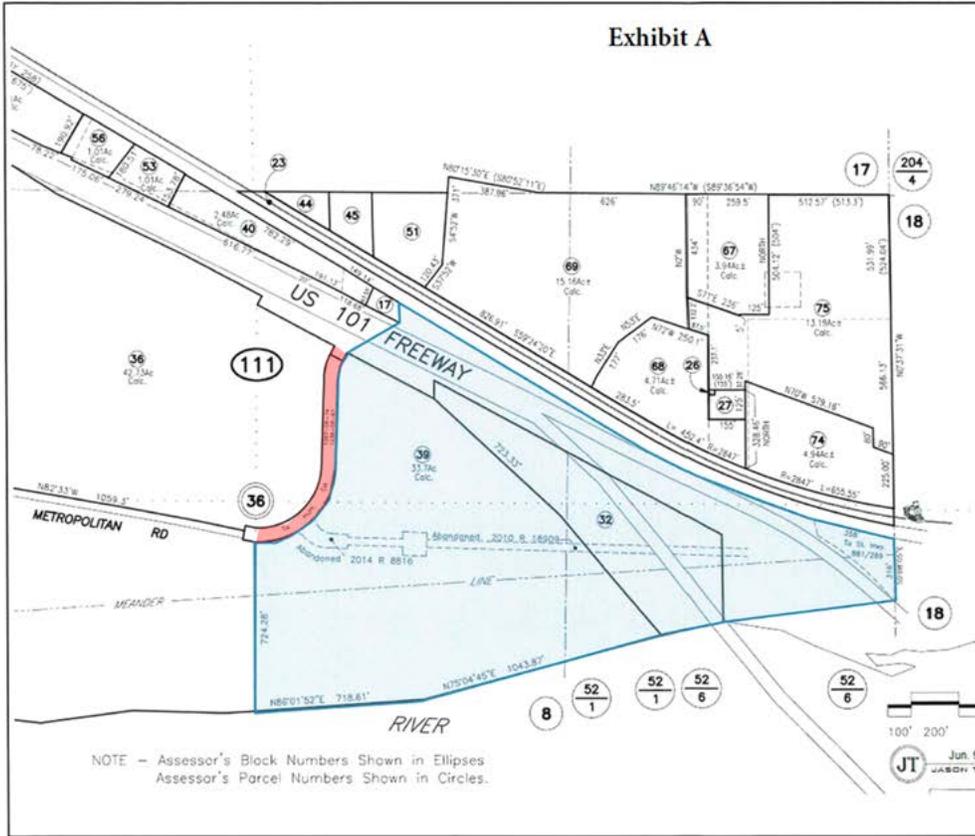
Public Works Department – Land Use Division

707.445.7205 Afternoons

Public Works Department – Road & Equipment Maintenance Division

707.445.7421 Mornings

Exhibit A



City of Rio Dell Potential Annexation

Background

The City's original intent was to only annex the City wastewater treatment disposal field. LAFCO has suggested that the proposed annexation area be expanded to include the adjacent State lands owned by Caltrans. The City has no interest in annexing any portion of Metropolitan Road. The proposed annexation area is approximately 53 acres.

APN 205-111-039

Parcel is approximately 30 acres and is used exclusively as the City of Rio Dell's wastewater treatment disposal field.

APN 205-111-032

Parcel is owned by Caltrans and the area between south-bound Highway 101 and north-bound Highway 101 is currently used as bridge approaches and a fill site.

Existing Zoning Designations:

The eastern half of APN 205-111-039 is currently zoned Agriculture Exclusive, 160 acre minimum (AE-160). The remaining potential annexation lands are zoned Unclassified (U). It is the City's understanding that the area will be redesignated to Public Facility as part of the General Plan Update zoning implementation.

Existing General Plan Designations:

APN 205-111-039 is currently designated Public Facility (PF) by the County. The remaining potential annexation lands do not have land use designations applied to them by the County.

Proposed Zoning & General Plan Designations:

The City of Rio Dell intends on designating the lands Public Facility (PF).

Contact:
City of Rio Dell
Kevin Caldwell, Community Development Director
P (707) 764-3532
E caldwellk@cityofriodell.ca.gov



[Quoted text hidden]

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
 EUREKA, CA 95502-3700
 PHONE (707) 441-4693
 FAX (707) 441-6314
 TTY 711
 www.dot.ca.gov



*Making Conservation
 a California Way of Life.*

February 2, 2021

1-HUM-101-PM 54.61
 US 101 R/W Annexation
 APN: 205-111-032, -039

Kevin Caldwell, Director
 Community Development Department
 City of Rio Dell
 675 Wildwood Avenue
 Rio Dell, CA 95562

Dear Mr. Caldwell:

Thank you for giving Caltrans the opportunity to review and comment on the proposed City of Rio Dell annexation of 53 acres, including State right-of-way for U.S. Route 101. The lands proposed for annexation are north of the Eel River and west/southwest of US Route 101, to the north and west of the existing Rio Dell city limits. We offer the following comments:

The annexation referral did not provide a purpose or justification for the annexation, nor did the City indicate whether the annexation, pre-zoning, or other step in the process, such as a general plan update, is or will be subject to California Environmental Quality Act (CEQA) review. If this project is subject to CEQA, we request that the City publicly disclose the scope of the project to aid us in making better-informed decisions and responses. Without a statement of intent or project scope, we are unable to consent to the City's request, make findings in opposition to the project, or propose a modified course of action to our mutual benefit.

The twenty-one-day comment period for this referral does not allow us sufficient time to consult with our legal counsel in Sacramento to confirm whether the annexation of State right-of-way is necessary and proper.

We have been in communication with the Humboldt LAFCO who initially recommended that the City annex State right-of-way. LAFCO's states that the intent with the proposed annexation of highway right-of-way is consistent with the objectives of the Cortese-Knox-Hertzberg (CKH) Reorganization Act of 2000 and the 2020 CKH Reorganization Act Guide to prevent creating an "island" of non-contiguous incorporated lands.

As a perfunctory act pursuant to the CKH Reorganization Act and/or Guide, the

Mr. Kevin Caldwell
2/2/2021
pg. 2

annexation of State right-of-way may have no effect on Caltrans' functions as owner and operator of U.S. Highway 101. Based on the input received from the Humboldt LAFCO, we are inclined to assume that the project will have no significant impact to the continued operation of U.S. Route 101. We request that the City clarify the purpose and need of the proposed annexation.

Please contact me with questions or for further assistance regarding the above comments at (707) 684-6879 or by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,

Jesse Robertson

JESSE G. ROBERTSON
Transportation Planning
District 1 Caltrans

c: Colette Metz, Humboldt LAFCO Executive Officer (e-copy)



NOTICE OF HEARING/PROCEEDINGS

ANNEXATION OF WASTEWATER DISPOSAL AREA ON METROPOLITAN ROAD TO THE CITY OF RIO DELL

NOTICE IS HEREBY GIVEN that the Humboldt Local Agency Formation Commission ("LAFCo" or "Commission") will hold a public hearing on July 21, 2021 at 9:00 a.m., or as soon thereafter as the matter can be heard, to consider the proposed *Metropolitan Road Annexation to the City of Rio Dell ("Proposal")*. The Commission will conduct this hearing entirely by teleconference. No physical location for the meeting will be available. Anyone who wishes to participate in the meeting should consult the meeting agenda for the Zoom call-in telephone number. The agenda will be posted on the Commission's website at least 72 hours before the scheduled start time of the meeting.

Proceedings for this annexation were initiated by the City of Rio Dell. The proposal includes annexation of approximately 53 acres of land (two parcels and Caltrans Highway 101 right of way) located adjacent to the City boundary along Metropolitan Road and Highway 101 (Exhibit A) and includes APNs 205-111-039 and -032. The City has determined that the annexation is Categorically Exempt from environmental review pursuant to Section 15319 of the CEQA Guidelines – Annexations of Existing Facilities.

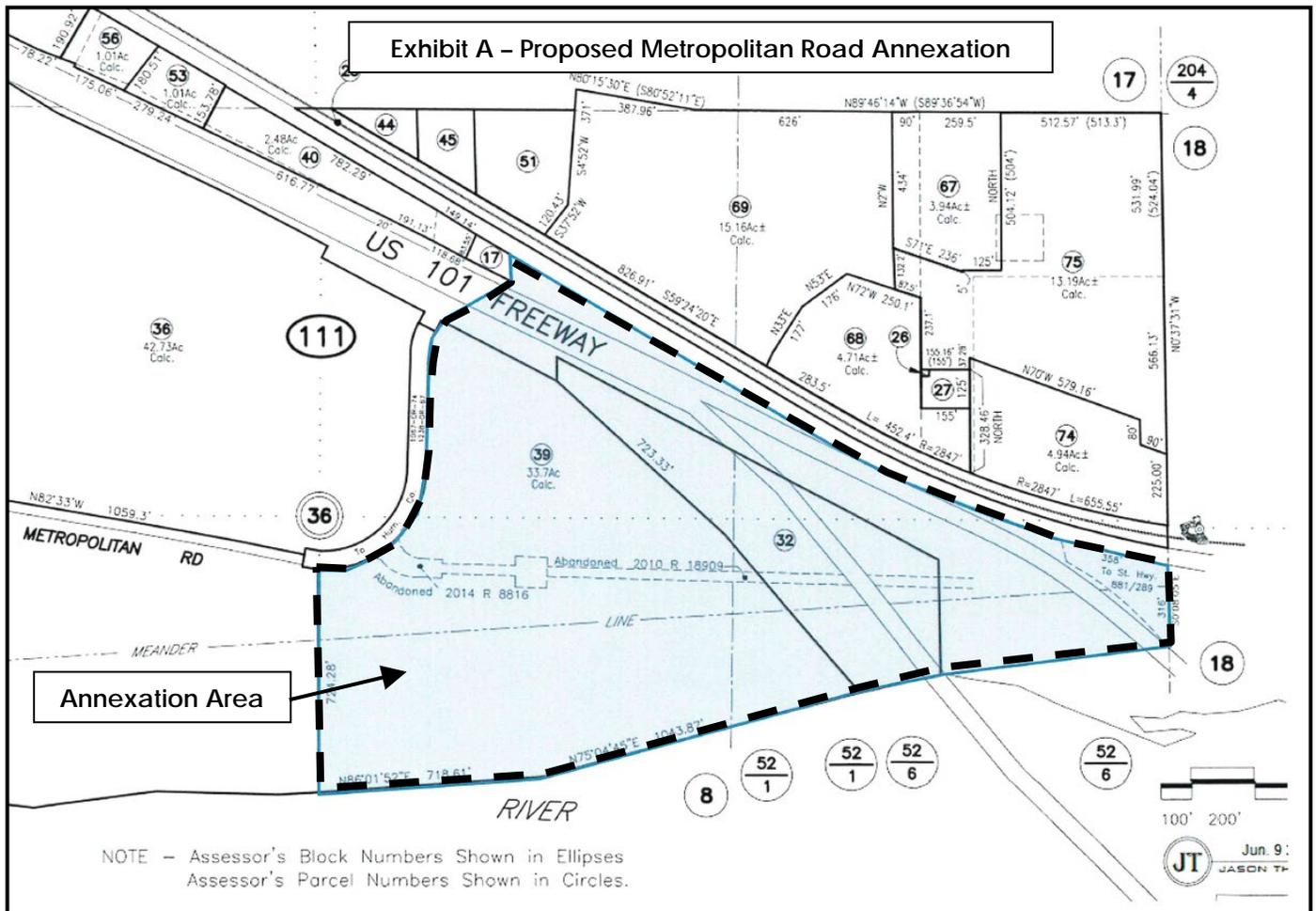
According to the application, the proposal would annex city owned land utilized for municipal services and save the City approximately \$2,000 per year in property taxes. The land is currently utilized for disposal of treated wastewater over open fields (flood irrigation) and the area has been pre-zoned by the City as Public Facility.

At the hearing on July 21, 2021, the Commission will consider all oral and written testimony of any interested persons or affected agencies. The Commission will consider the report of the Executive Officer and may approve, amend or deny the proposed annexation. Copies of all documents relating to the proposed annexation are available for review upon request.

Unless written opposition to the proposed annexation is received before the conclusion of Commission proceedings, the Commission may choose to waive protest proceedings for the annexation pursuant to Section 56663 of the CKH Act.

Written comments must be received by Humboldt LAFCo by 12:00 p.m. the day prior to the meeting in order to be distributed to Commissioners. Please direct comments, questions, and requests to review documents to Humboldt LAFCo, 1125 16th Street, Suite 202, Arcata, CA 95521. Phone: (707) 445-7508. E-mail: krystleh@humboldtlaftco.org (*preferred*).

NOTICE OF HEARING





RESOLUTION NO. 21-12

**APPROVING THE METROPOLITAN ROAD ANNEXATION
TO THE CITY OF RIO DELL**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," is responsible for regulating boundary changes affecting cities and special districts pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the City of Rio Dell, hereinafter referred to as "City", filed an application with the Commission by resolution of application; and

WHEREAS, the proposal seeks Commission approval for annexation of 53 acres adjacent to the northwestern edge of the City boundary and within its sphere of influence in order to accommodate the City owned and operated wastewater disposal field; and

WHEREAS, the subject territory is uninhabited as defined in Government Code Section 56079.5; and

WHEREAS, the Executive Officer has elected to set this matter for hearing and give notice in the form and manner provided by law; and

WHEREAS, the Executive Officer has reviewed available information and prepared a report and recommendations on the proposal, which has been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on July 21, 2021; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures.

NOW, THEREFORE, BE IT RESOLVED by the Humboldt Local Agency Formation Commission as follows:

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission, as Responsible Agency, hereby certifies it has independently reviewed the Notice of Exemption provided by the City and concurs that the annexation is Categorical Exempt pursuant to Section 15319 of the CEQA Guidelines – Annexations of Existing Facilities.

3. The Commission approves the proposal, contingent upon the satisfaction of following terms and conditions as determined by the Executive Officer:
 - a) Completion of the 30-day reconsideration period provided under G.C. Section 56895.
 - b) Submittal of a final map and geographic description of the affected territory to LAFCo and the Humboldt County Surveyor for review conforming to the requirements of the State Board of Equalization.
 - c) Payment of any outstanding fees as identified in the Commission's adopted fee schedule.
4. The proposal is assigned the following distinctive short-term designation:

Metropolitan Road Annexation to the City of Rio Dell; 21-12
5. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.
6. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Rio Dell. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Rio Dell.
7. The proposal is subject to a master property tax exchange agreement adopted by the City of Rio Dell and the County of Humboldt in 1981; an agreement specifying the City shall receive 24.71 percent of Humboldt County's existing portion of property tax revenues generated from the affected territory.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 21th day of July 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Virginia Bass, Chair
Humboldt LAFCo

Attest:

Colette Santsche, Executive Officer
Humboldt LAFCo