

**SUTTER LOCAL AGENCY FORMATION COMMISSION**

**Resolution No. 2021-0005**

*A Resolution Making Determinations and Approving A Sphere of Influence Plan Amendment for the Gilsizer County Drainage District*

**RESOLVED**, by the Sutter Local Agency Formation Commission, that

**WHEREAS**, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a Sphere of Influence Plan for each local governmental agency within its jurisdiction; and

**WHEREAS**, the Sutter Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing an amended plan for the probable physical boundaries and service area for the Gilsizer County Drainage District; and

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and

**WHEREAS**, a municipal service review and sphere of influence mandated by Government Code Section 56430 was conducted by the Sutter Local Agency Formation Commission and adopted on February 22, 2007 (LAFCo Resolution 2007-0006) in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and

**WHEREAS**, the City of Yuba City adopted findings of fact, adopted a statement of overriding considerations, adopted a mitigation monitoring plan, and certified an Environmental Impact Report (SCH#2017012009) for the Bogue Stewart Master Plan (BSMP) area thereby amending Yuba City General Plan including and analyzing the Sphere of Influence (BSMP) territory, which was adopted on December 17, 2019; and

**WHEREAS**, The EIR prepared by the City of Yuba City analyzed approximately a 741-acre mixed-use community (of which 544 acres need Gilsizer Draining Services) including a mix of land uses, including low, medium-low, and medium-high-density residential uses, along with community commercial, neighborhood commercial, office, business, park, and public uses. Approximately 2,500 dwelling units and approximately 1,300,000 square feet of non-residential uses. The BSMP project includes a sphere of influence amendment, annexation, General Plan amendment, and pre-zoning; and

**WHEREAS**, the City's Amended General Plan includes a city recommended (proposed) Sphere of Influence amendment; and

**WHEREAS**, It is intent of the City of Yuba City to Update its General Plan within the next few years at which time the City will be preparing an Environmental Impact Report (EIR) for the new General Plan. It is the intention to prepare a formal update to the City's SOI following adoption of the new General Plan for the City at which point LAFCo will update the Gilsizer County Drainage District Sphere of Influence; and

**WHEREAS**, the Executive Officer, pursuant to Government Code Section 56428, has a SOI report including his recommendation thereon, and has furnished a copy of this report to the Commission and to each person requesting a copy; and

**WHEREAS**, the Commission has reviewed and considered the proposed Sphere of Influence amendment report prepared for a LAFCo public hearing on July 8, 2021, including

the opportunity for public testimony, testimony by affected agencies and the City of Yuba City, which is incorporated herein by reference; and

**WHEREAS**, the Commission has reviewed the Sphere Map and has carefully evaluated and deliberated the Sphere of Influence Amendment, Gilsizer County Drainage District, the recommendations recommendations in the BSMP EIR and the Gilsizer County Drainage District recommendations contained in Gilsizer County Drainage District Resolution 2021-01 presented at the public hearing; and

**WHEREAS**, the Commission has considered those factors determined by it to be relevant to the proposed Sphere of Influence amendment, including, but not limited to, those factors specified in Government Code Section 56425(e), and has heard from interested parties and considered requests for amendment and/or revision of the proposed amended sphere boundary and determinations.

**NOW, THEREFORE, BE IT RESOLVED** that the Sutter Local Agency Formation Commission does hereby find and determine as follows:

### **SECTION 1. Environmental Findings**

1. On December 17, 2019, the City of Yuba City, as Lead Agency, prepared and certified the Final Environmental Impact Report for the BSMP and adopted Findings of Fact and a Statement of Overriding Considerations and adopted a Mitigation Monitoring and Reporting Program.
2. The Commission has reviewed and considered the Final Environmental Impact Report for the BSMP, which includes an analysis of the City's Sphere of Influence. The Final Environmental Impact Report consists of the following:
  - a. The Draft Environmental Impact Report prepared by the City of Yuba City as Lead Agency
  - b. Comments and recommendations received by the City of Yuba City Draft Environmental Impact Report.
  - c. A list of persons, organizations and public agencies commenting on the Draft Environmental Impact Report.
  - d. The responses of the Lead Agency to significant environmental points raised both during and after the review and consultation process.
  - e. A Mitigation Monitoring Reporting Plan.
  - f. A Statement of Overriding Considerations
3. The Commission certifies that it has held a duly noticed public hearing and heard testimony and received written comments from affected agencies at a noticed public hearing and has responded to those comments.
4. The Commission makes a specific finding that there has been no changes in physical circumstances nor could have been changes in physical circumstances since the City certified the Environmental Impact Report for its General Plan on December 17, 2019. The Commission hereby affirms in accordance with CEQA Guidelines Section 15090 the City's adopted certified Environmental Impact Report as well as its adopted findings, Mitigation Monitoring Program, and Statement of Overriding Considerations for this amendment to the Gilsizer County Drainage District's Sphere.
5. In accordance with CEQA Guidelines Section 15090, the Final Environmental Impact Report reflects the Lead and Responsible Agency's independent judgment and analysis.

### **SECTION 2. Findings for Adoption of the Sphere of Influence Amendment**

1. That the proposed Sphere of Influence amendment with respect to the Gilsizer County Drainage District complies with the provisions of Government Code Section 56000, et seq.
2. The Commission has considered the factors determined by the Commission to be relevant to this update, including but not limited to, Sphere of Influence and General Plan Consistency, and other factors described in Government Code Sections 56425, and 56428, in that:
  - a. The Commission has considered the present and planned land uses in the area as described in the Sutter County General Plan and the City of Yuba City General Plan.
  - b. The Commission has considered the present and probable need for public facilities and services in the area as described in the adopted Municipal Service Review, the City of Yuba City General Plan and the Executive Officer's report dated November 12, 2020 for the City of Yuba City's Sphere update.
  - c. The Commission has considered the present capacity of public facilities and adequacy of public services, which the agency provides or is authorized to provide as described in the adopted Gilsizer County Drainage District and City Municipal Service Reviews.
  - d. The Commission has considered the existence of any social or economic communities of interest in the area and received as testimony in public hearings.
  - e. The Commission has considered the conversion of prime agricultural lands meeting LAFCO's criteria in Government Code Section 56064. The Commission has considered the Statement of Overriding Considerations in this Sphere of Influence.
3. This SOI amendment is as proposed by the City of Yuba City and the Gilsizer County Drainage District.
4. That the Commission has considered the City of Yuba City General Plan, the EIR and this recommended Sphere of Influence amendment.
5. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study attached as Exhibit "A".
6. That the Sphere of Influence Update Map for the City of Yuba City's updated Sphere of Influence to include the BSMP area is set forth in Exhibit "A".
7. That all previous LAFCo adopted Sphere of Influence documents, sphere maps, limited or otherwise, and determinations are hereby repealed in favor of this Sphere of Influence Update.

**PASSED AND ADOPTED** at a regular meeting of the Sutter Local Agency Formation Commission, State of California, on the 8<sup>th</sup> day of July 2021, by the following vote:

**AYES:** Woten, Bains, Boomgaarden, Jawanda, & Cochran

**NOES:**

**ABSENT:** Conant, Ziegenmeyer, and Munger

ABSTAIN:



Don Cochran, Chair  
Yuba City Local Agency Formation  
Commission

Attest:



John Benoit, Executive Officer  
Yuba City LAFCO

## Exhibit A

Seventeen significant and unavoidable environmental impacts resulting from the project (nine at the project-level and eight cumulative) were identified in the City's EIR. Although the City found that the project will result in these significant and unavoidable impacts, the City also found that the project benefits outweigh these impacts. The City found that, as part of the process of obtaining project approval, all significant effects on the environment from implementation of the project have been eliminated or substantially lessened, where feasible. All mitigation measures proposed in the EIR that are applicable to the project are adopted as part of this approval action. Furthermore, the City has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

Project benefits include the following:

- The project will allow for the creation of high-quality balanced neighborhoods that provide a wide range of housing opportunities, along with a mix of community- and neighborhood- commercial, office, and business/technology-oriented uses. Proposed residential uses would include options ranging from low density residential to medium/high density residential. Non-residential uses would generally be located along major transportation corridors such as Highway 99.
- The project will provide a framework for maintaining the integrity of surrounding residential neighborhoods by providing connections where necessary and continuing development in a visually compatible manner. For example, low-density residential uses in the BSMP would be located adjacent to existing low-density residential neighborhoods.
- The project will support the long term operation of adjacent agricultural uses, as well as continued interim agricultural production within the BSMP plan area thorough the employment of urban edge widened sidewalks which will act as buffers between the uses proposed under the BSMP and adjacent agricultural uses.
- The project will provide an interconnected modified grid street system that expands upon the existing and adjacent roadways in the plan area to provide adequate and ample travel options for pedestrians, bicyclists, transit, and vehicles.
- The project will foster a positive community image through the incorporation of high-quality architectural details and landscaping features. This will be achieved through the implementation of development standards and guidelines which would regulate neighborhood pattern and form, edge treatments, screening, building form and massing, building orientation, building materials and finishes, and lighting.
- The project will coordinate the development of land uses and infrastructure to ensure that the infrastructure can support that development and the development can support the associated costs.
- The project will support Sutter County Local Area Formation Commission (Sutter LAFCo) approval for the annexation of the plan area into the City of Yuba City.

- The project will ensure that appropriate funding mechanisms are established to fully fund planned improvements and services over the 20-year buildout term without creating a negative fiscal impact to the City's General Fund.

Having considered these benefits, the City found that the benefits of the project outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable. The City further found that each of the above considerations is sufficient to approve the project. For each of the reasons stated above, and all of them, the City found the project should be implemented notwithstanding the significant unavoidable adverse impacts identified in the EIR. LAFCo affirms the city's findings and statement of overriding considerations.

Exhibit B

**1. SOI Determinations on the Present and Planned Land Uses in the area, including agricultural and open-space lands**

Determination 1-1: Present Land Uses

- a. It is recommended that significant development take place within the City of Yuba City where urban service levels, including sewer and water service and drainage, can be provided as well as other services.
- b. The proposed SOI shown includes lands in the BSMP and land currently in the City's SOI.
- c. The City of Yuba City is the lead agency in the preparation of all environmental documents relating to changes of organization (annexations) for the BSMP Sphere Expansion Area.
- d. The Yuba City General Plan provides for the preservation and enhancement of existing neighborhoods. It also provides for development of new residential areas through the use of the Specific Plans that reflect the best qualities of Yuba City's existing neighborhoods, with a mix of housing types and sizes, integrated with community facilities including parks, schools, child care facilities and other institutional uses.
- e. The City's population as of 2010 was 64,825 and as of January 1, 2020 was 70,458. According to the State Department of Finance the City's growth has increased by 5,533 persons in the past 10 years or 8.5% over that period. However the city's growth rate was much higher between 2000 and 2010. SACOG's growth projections also stated a higher growth rate for the City.

**2. SOI Determinations--Facilities and Services Present and Probable Need**

Police Protection

- a. The City will continue to need police protection and the police department can be increased to serve additional area as needed.

Fire Protection

- b. The City Fire Department provides the fire protection and EMS services so any land within the SOI would continue to be served upon annexation.

Water Service

- c. Water service can be provided to the sphere of influence expansion area, but water supply is subject to drought limitations. Water service will increasingly depend on water conservation.

Wastewater Collection and Treatment

- d. It would be beneficial for the Sphere Expansion Area currently outside of the City Limits be served with City Sewer.

Solid Waste Collection and Disposal

- e. Solid waste collection and disposal service will be expanded to serve the area within the proposed SOI amendment area.

- f. Street services will be expanded to serve the area within the proposed SOI area.

Drainage

- g. On-site drainage will be developed as the areas within the SOI are developed.

Park and Recreation Services

- h. Park and recreation services can be provided to an expanded area.

**3. *SOI Determinations--Public Facilities Present and Future Capacity for the City of Yuba City and Gilsizer County Drainage District***

- a. Implementation of the City's General Plan, as amended by the BSMP will result in the expansion and improvement of public facilities and services, including police, fire, water, wastewater collection and treatment, streets, drainage, waste collection and disposal and parks.
- b. The Gilsizer County Drainage District and the City are continuously upgrading many of its public facilities including roads, wastewater treatment and collection, the water delivery system and other services. With adequate revenues for expansion a full complement of City services will be provided to accommodate growth in the Sphere Expansion Area.
- c. Taking into consideration the District's revenue and operating constraints, and the fact that upgrades and improvements are ongoing, the condition of the public facilities is defensible and adequate.
- d. Additional infrastructure and resources to accommodate future development will include expanded drainage, water and wastewater facilities, increased personnel, equipment and facilities for fire and police protection, and increased road capacity.

**4. *SOI Determinations – Social or Economic Communities of Interest***

- a. The City of Yuba City and the Gilsizer County Drainage District is clearly both a social and economic community and new development within the area should occur within the City limits and be served by City services.
- b. Areas of concern for future utility and public service expansion of City services including those services provided by the Gilsizer County Drainage District should be reflected in the next update of the City and County General Plan updates by mutual agreement between the City of Yuba City and the County of Sutter.

**5. *SOI Determinations – Disadvantaged Unincorporated Communities***

- a. While this determination is not required for drainage services the following must be included. The City of Yuba City has the ability to serve new development with Domestic Water, Fire Protection and Sewer services within its Sphere of Influence area including the BSMP Sphere Expansion Area.
- b. Based on the most recent available data, the 2017 statewide median household income (MHI) was \$67,169; 80 percent of the state median is \$53,735. The median household income in Yuba City is \$51,037 signaling Yuba City is a disadvantaged community with a MHI of less than 80 percent of the statewide MHI of 67,169
- c. Future Annexations to the City of Yuba City must continue include an analysis of Disadvantaged Unincorporated Communities per the requirements of LAFCo's Policies, Standards and Procedures. Including the preparation of income surveys, as needed.



# LOCAL AGENCY FORMATION COMMISSION GILSIZER DRAINAGE DISTRICT PROPOSED SPHERE OF INFLUENCE

