

**SUTTER LAFCo
Executive Officer's Report**

BAINS ANNEXATION TO CITY OF YUBA CITY

**Sutter LAFCo No. 2021-0003 Bains Annexation
The City of Yuba City
January 13, 2022**

TO: Sutter Local Agency Formation Commission
FROM: John Benoit, Sutter LAFCo Executive Officer
SUBJECT: Bains Annexation to the City of Yuba City.

EXECUTIVE OFFICER'S RECOMMENDATION:

Adopt the proposed Sutter LAFCo Resolution 2022-0002 (see Attachment #1) approving a annexation consisting of a 256.18-acre more or less to the City of Yuba City (fire and EMS services will remain with County Service Area "G") hereinafter referred to as the Bains Annexation to provide a full compliment of City of Yuba City services to the annexation area with the exception of CSA "G" fire and EMS services, which shall remain under contract with the City of Yuba City as opposed to the City directly providing fire and EMS services for territory generally located east of George Washington Blvd, north of Bogue Road, south of Lincoln Road and west of Sanborn Road, within Sutter County and within the Lincoln East Specific Plan Area (LESP) The boundaries were determined by lands owned by Bains Rev 12 Trust, Bains Rev Liv 18 Trust Etal, Guru Nanak Sikh Society of Yuba City.

The purpose of the annexation is to allow development of the annexation area which is a portion of the Lincoln East Specific Plan Area consisting of 256.18 acres more or less. The annexation consists of an annexation to City of Yuba City. City of Yuba City will provide municipal services consisting of sewer, water, storm, police, roadways, and other municipal services. County Service Area G is fire protection will continue to provide fire service through Yuba City Fire Department.

Annexation was also a condition of the Lincoln East Specific Plan (LESP). The environmental document for the project addressed the annexation.

An annexation to the Gilsizer Co. Drainage District located on the southeastern most area of this annexation which consists of 19.56 acres will be required prior to development. Since there is no property tax sharing agreement in place a tax sharing agreement may take a couple of months to approve. The Developer of the Bains property wishes to proceed with this annexation which is ready to develop in 2022.

The following APN's comprise the Bains property.

APN	ACRES	Ownership			
22-030-051	20.1	Bains	Rev	12	TR
22-040-001	158.0	Bains	Rev	12	TR
22-040-010	19.0	Bains	Rev	12	TR
22-040-063	19.2	Bains Rev Liv 18 TR Etal			

In addition to the Bains property, the reorganization consists of 28.87 plus or minus acres plus various rights-of-way. The properties are located south of Bogue Road adjacent to the current city limits (see attached figure no. 2). The following APN□s comprise the additional properties.

APN	Acres	Ownership
22-030-064	28.87	Guru Nanak Sikh Society of YC

There are concerns expressed this annexation does not promote orderly development and the remedy would be to annex an area surrounded by George Washington Blvd, Bogue Road, Lincoln Road and Sanborn Road. This would square off this area and promote orderly development per the LAFCo Act and local policies. The area to be annexed would be expanded two-fold more or less to 548.63-acres plus rights-of-way. The owner of the original annexation property wishes to annex as soon as possible so he could begin development during 2022.

As an alternative to setting and noticing a public hearing for the 548.63-acre and a possible protest proceeding and election it was determined the City will file an application with LAFCo to annex the remaining territory surrounded by George Washington Blvd, Bogue Road, Lincoln Road and Sanborn Road rather than preventing the Bains annexation to move forward at this time, which would have been the case if there were protests associated with annexing the additional area. Staff believes this is a workable alternative to allow the Bains annexation to move forward in an acceptable manner without compromising the principles in LAFCo Policy and the LAFCo Act. Moreover, the City has approved a Specific Plan and Environmental Impact Report for the Lincoln East Specific Plan in 2010 for the territory in question.

SUGGESTED MOTION:

Adopt proposed Sutter LAFCo Resolution 2022-0002 approving a 256.18 acres (more or less) annexation into the City of Yuba City.

BACKGROUND:

This proposal includes the following components:

- Annexation of the affected territory to Yuba City (this annexation does not include a change to CSA G).
- The territory is within the Sphere of Influence for the City of Yuba City and the Gilsizer Drainage District and in the Lincoln East Specific Plan.

- Approval of an amendment to the Gilsizer Drainage District Boundary will be considered at a future date upon completion of the property tax agreement.

The City adopted a plan for services for the LESP shown as Attachment #2.

Government Code Section 56653 (Cortese-Knox-Herzberg Government Reorganization Act) requires that whenever a local agency to submit an application to LAFCo for a change of organization the local agency shall also submit a plan for providing services within the affected territory (see Attachment #2).

A summary of the service provisions outlined in the Service Review is included as background for the Plan for Services below:

Water: The City is permitted to draw 30 mgd from the Feather River. The Water Treatment Plant capacity is 36 mgd. The current max day use is 26 mgd. The City estimates the annexation area to increase the daily use by approximately 0.3 mgd. Which is within the City's permitted water use *and* in accordance with the Water Master Plan. Infrastructure will be sized in accordance with the Water Master Plan and to meet necessary fire flows within the subdivisions.

Wastewater Collection and Treatment: As the area develops; the property owners/developers will be responsible to coordinate the design and installation of a sanitary sewer system that connects to the City's existing wastewater system. The Waste Water Treatment Facility's (WWTF) current permitted capacity is 10.5 mgd (annual average dry weather flow). The existing average influent flow to the WWTF is approximately 6 mgd. The City's Wastewater System Master Plan a plan has been established *and* adopted to provide the means to provide wastewater collection and treatment for the full build-out of the City's Sphere of Influence.

Stormwater Drainage: The City is served primarily by two drainage systems the Gilsizer Slough and the Live Oak Canal. The Live Oak Canal predominantly services west Yuba City and most of the proposed annexation area. The Live Oak Canal service area is broken up into Zones of Benefit (ZOB). The ZOB's assess fees to cover the initial construction of the required capital improvements and fees for the annual cost of operating and maintaining the constructed storm drainage facilities. The Lincoln East Specific Plan includes Stormwater Policies for required infrastructure needed when development occurs. A portion of the Bains project including 19.58-acres more or less will need to be annexed into the Gilsizer Drainage District.

Utilities: Utilities include gas and electric service provided by PG&E, phone and cable. These services are provided by the individual companies that provide that service. Owners of the areas that are to be developed will be responsible to coordinate their utility installation as part of the development projects. City code requires that new utilities be undergrounded.

Streets: New subdivisions and other types of development are required to provide completed internal streets and sidewalks throughout the project to current City

standards. Depending on the size of the project and its location, off-site street and sidewalk improvements may also be required in order to provide good access to the site. The City charges development impact fees that go towards improving the larger collector and arterial streets that will connect roadways within the City. Expansion of the major road network in the annexed area is expected to be primarily paid for through the collection of traffic impact fees and conditions of development.

Police Protection: The Yuba City Police Department currently has a staff 64 sworn peace officers and 27 civilian staff members, augmented by 7 Reserve Peace Officers. The Department concluded that while the proposed annexation could potentially impact current Police Operations, it would be manageable in this circumstance. Furthermore, in consideration of the additional population and geographical area, the YCPD would likely revisit restoring additional police services that have been lost in the recent years, based on the potential increase of property taxes resulting from the proposed annexation.

Fire Protection: The annexation area is located in and remain in CSA "G". CSA G will receive tax revenue for the Bains area to be passed through to the Yuba City Fire Department. The Yuba City Fire Department (YCFD) provides fire protection and suppression and life safety services for the City. The Department responds to structural and wildland fires, emergency medical service, and hazardous/toxic material spills in the Lincoln East Planning Area.

Parks and Recreation: In order for the City to keep pace with population growth, the City requires payment of park impact fees on all new residential development. The park impact fees are used to purchase and develop new park improvements throughout the City.

I. BACKGROUND:

A. Lincoln East Specific Plan:

In August 2010 the City adopted the Lincoln East Specific Plan. After holding a Public Hearing, adopt a Resolution certifying the Environmental Impact Report (EIR) (SCH #2006082094) prepared for the specific plan was adopted, a Resolution approving a General Plan Amendment and approving a Specific Plan Amendment including a financial component were adopted, and an Ordinance approving Pre-annexation Zoning (RZ) for land inside the LESP.

The intent of the Lincoln East Specific Plan is to provide for the orderly and cohesive development of the 1,160-acre specific planning area. The Plan, was adopted as a specific plan, combining elements from and consistent with the City's General Plan and Zoning Regulations to establish a regulatory structure to guide development. The Plan provides for the development of a planned community of residential, commercial, public and quasi-public facilities and recreational sites and other public facilities (see Attachment #3 Lincoln East Specific Plan).

B. LAFCo's Adopted MSR and SOI

On November 12, 2020 Sutter LAFCo Adopted an updated Service Review and Sphere of Influence for the entire city and concurrently added the 741-acre Bogue Stewart Master Plan area to the City's Sphere of Influence.

In adopting a Sphere of Influence update the City reaffirmed the LESP area in the City of Yuba City's Sphere of Influence, the Commission considered relevant factors determined by the Commission, 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 including agricultural and open space lands 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.
- 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 City of Yuba City Municipal Service Review.
- 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 as adopted by Yuba City.

Sutter LAFCO received a petition of Application, Plan for Providing Service and conditions of approval included in Tentative Subdivision Map 2019-002 (west Sanborn Estates) for the the Bains annexation of territory including 256.18± acres more or less. A 19.56 acres more or less annexation to the Gilsizer Drainage District will occur later upon finalization of a Tax Sharing agreement between the Gilsizer Drainage District and the County. There will be no change of organization involving County Service Area G.

LAFCo received a petition of application with support of 100% of the landowners for annexation to the City.

This proposed reorganization is within the adopted Sphere of Influence for the City and considered uninhabited having less than 12 registered voters within the territory.

The purpose of the annexation is to allow development of a portion of the Lincoln East Specific Plan Area consisting of 256.18 acres more or less. The annexation shall consist of annexation to City of Yuba City and a future annexation to Gilsizer County Drainage District. City of Yuba City will provide municipal

services consisting of sewer, water, storm water, police, roadways, and other municipal services. The Gilsizer County Drainage District will handle storm drainage.

This annexation is a condition of the Lincoln East Specific Plan (LESP) in the Bains tentative map conditions of approval. The environmental document for the project addressed the sphere of influence modification, municipal service review, and annexation. Attachment 4 shows the Environmental Documentation including the EIR and Notice of Determination for this annexation which is included on LAFCo's Website www.sutterlafco.org.

Staff recommends the Local Agency Formation Commission approve the annexation of the 256.18 acres (more or less) territory including an annexation to the City of Yuba City subject to the terms and conditions stated in proposed Sutter LAFCo Resolution 2022-0001.

Since this territory meets the criteria listed in California Government Code Section 56662 a public hearing is not required since there is 100 percent landowner consent with all of the property owners are consenting to annex.

B. Proposal and Justification:

The boundaries were determined by lands owned by Bains LP. The boundary also was selected so there was over 1,320 feet of lands contiguous to City of Yuba City current City limits. While this point of access is not ideal the city has filed an annexation with LAFCo to bring in more territory to the City. Access to the area is from Bogue Road, George Washington Blvd and Lincoln Road. The Bains Annexation is proposed as a landowner request with less than 12 registered voters.

C. Environmental Review

In 2020 LAFCo acted a responsible agency for affirming the Sphere of Influence for the City, which differs from being a lead agency. The California Environmental Quality Act (CEQA) defines a responsible agency as a public agency, other than the lead agency, which has responsibility for carrying out or approving a project. In 2010 the City prepared and certified an Environmental Impact Report for the Lincoln East Specific Plan (SCH#2006082094) in 2021 prepared an initial study and Negative Declaration for the West Sanborn Estates Tentative Subdivision Map, which includes a small portion of this annexation.

The California Environmental Quality Act (CEQA) Guidelines, Section 15096 state that a responsible agency complies with CEQA by considering the EIR prepared by the lead agency. An EIR was adopted by the City of Yuba City as part of establishing the LESP for its 1,160-acres, pre-annexation zoning for the LESP area, the sphere of influence amendments and the subsequent annexations. The environmental review was previously affirmed by LAFCo in 2020 when the Commission adopted a Sphere of Influence update.

There have been no changes or unusual circumstances that exist or could have exist after the initial City certification of the EIR and LAFCo affirmation of the EIR.

II. ANALYSIS

A. Accepted for filing: December 16, 2021
B. Publication and Posting: December 16, 2021
C. Compliance with CEQA: EIR Prepared per CEQA guidelines
Lead Agency: City of Yuba City
Responsible Agency: LAFCo
Environmental Finding: EIR
Date of Finding: Dec 17, 2019

D. Compliance with applicable Plans:

The proposed annexation is within the LESP planning area and conforms to the Yuba City General Plan and the Yuba City Zoning Ordinance as rezoned in the LESP.

E. Compliance with applicable Spheres of Influence:

The proposed annexation conforms to the City of Yuba City's adopted Sphere of Influence, which includes the LESP.

F. Existing Land Use and Zoning:

LAND USE DESIGNATIONS-LESP: Low density residential (LDR), medium density residential (LMDR), high density residential (HDR), park, open space (P), community commercial (CC), Quasi-Public Facilities (QP)

ZONING (rezoning)- LESP: Community Commercial Zoning District (C-2/SP-LESP), Single Family Residential Zoning District (R-1/SP-LESP), Low-Medium Density Residential Zoning District (R-2/SP-LESP), Multi-Family Residential Zoning District (R-3/SP-LESP), Public Facilities (PF/SP-LESP), and Public Facilities (QP-LESP)

DWELLINGS: none
POPULATION: Uninhabited
REGISTERED VOTERS: none

G. Landowner(s): 2 landowners

H. Existing Land Use and Zoning for Surrounding Territory:

The property is currently used for agriculture orchards and row crops. There are no residential home sites within the proposed annexation.

North: Agriculture
South: Agriculture
East: Single Family Residential
West: Low Density Residential

I. Proposed Development:

Urban Development including parks, low, medium and high density residential uses and community commercial uses

J. General Plan designation: The General plan designation of the proposed property is Lincoln East Specific Plan. The lands General Plan designation include low density residential (LDR), medium density residential (MDR), high density residential (HDR), park, open space (P), community commercial (CC), and public facilities.

K. What are the General Plan Designations surrounding the subject property?

North: Parks, medium/low density residential, low density residential, medium-high density residential

South: Agriculture

East: Low density residential

West: Low density residential

L. Fiscal Data:

The Master Tax Agreement was adopted on July 6, 2000 between Sutter County and the City of Yuba City. This agreement applies to annexations within the LESP area. This agreement includes allocation of property tax and sales tax revenues including various provision for the property tax and sales tax transfers. (Sutter County Resolution 00-050 and Yuba City Resolution 00-092 "Providing for [the] Yuba City Sphere of Influence Planning, Sales Tax Sharing and a Master Property Tax Exchange Agreement")

Total Assessed Value is \$974,344

M. Existing and Proposed Service Agencies:

Service	Existing Provider	Proposed Provider
School Districts	Yuba City Unified	Same
Fire Protection	Yuba CSA G	YUBA CSA G
General Government	Sutter County	Yuba City
Police Protection	Sutter County	Yuba City
Off-site Drainage and Flood Control		Gilsizer Drainage
Water and Wastewater	Wells and Onsite septic	Yuba City
Street Lighting	None	Yuba City
Roads	Sutter County	Yuba City
Emergency Services	Yuba CSA G	Yuba CSA G

III. POLICY ANALYSIS - Annexation

1. GOVERNING LAW

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding annexations, incorporations, reorganizations, and other changes of government. Section 56668 of the Government Code states the following:

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

- (a) *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.*
- (b) *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. "Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.*

- (c) *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.*
- (d) *The conformity of both 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 Section 56377.*
- (e) *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.*
- (f) *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.*
- (g) *A regional transportation plan adopted pursuant to Sections 65080.*
- (h) *Consistency with city or county general and specific plans.*
- (i) *The sphere of influence of any local agency which may be applicable to the proposal being reviewed.*
- (j) *The comments of any affected local agency.*
- (k) *The ability of the newly formed or receiving entity to provide the services which area the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.*
- (l) *Timely availability of water supplies adequate for projected needs as specified in Section 65352.5*
- (m) *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.*
- (n) *Any information or comments from the landowners, voters or owners.*
- (o) *Any information relating to existing land use designations.*
- (p) *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 location of public facilities and the provision of public services.*
- (q) *Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be 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.*

These factors will be reviewed with regard to the Bains Annexation to the City of Yuba City.

- (a) *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.*

According to the State Dept of Finance the January 1, 2021 population estimate for the City of Yuba City is 70,776. The population of the annexation at full build out of the 256.18-acre territory assuming an average of 4 units to the acre and a population of 2.93 per equivalent dwelling unit would be approximately 3,002 (based on the 2020 census and a household size factor of 2.93 persons).

- (b) *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.*

“Services,” as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

The need for safe and reliable water service meeting state water quality standards. All the other services in the annexation area will be as described in the Plan for Services. The annexation does not include a dissolution of CSA G, which is a passthrough funding mechanism for the Yuba City Fire Department. The Gilsizer Drainage District will provide drainage in a small portion of the annexation area.

- (c) *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.*

This annexation will bring the 256.18-acre Bains area into the City.

- (d) *The conformity of both 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 (Government Code) Section 56377.*

The proposed annexation is within the Yuba City sphere of influence, as amended in 2020. The proposed and future development conforms to the City's Zoning and General Plan.

- (e) *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.*

While this development is in an agricultural area, the area is planned and zoned for urban development, located in a Specific Plan planning area, and is located in the Sphere of Influence for the City. This area is located adjacent to the existing previously developed city limits.

- (f) *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 boundaries are definite and certain and follow assessment boundaries

- (g) *A regional transportation plan adopted pursuant to Sections 65080.*

The land uses in the annexation area and the City's General Plan and the LESP are consistent with the Regional Transportation Plan

- (h) *Consistency with city or county general and specific plans for Mixed-use development*

The proposed annexation is located within the LESP, which is a master plan for the 256.18-acre annexation area as well as the entire LESP consistent with the Yuba City General Plan and Zoning Ordinance.

- (i) *The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.*

The annexation does not conflict with the Sphere of Influence of any other agency.

- (j) *The comments of any affected local agency.*

Comments were received by the County Community Development Dept. (See Attachment # 5)

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

The City of Yuba City has the ability to provide the annexation area with safe and reliable municipal water service as well as a full compliment of city services.

- (l) *Timely availability of water supplies adequate for projected needs as specified in Section 65352.5*

Yuba City is able to provide domestic water service as well as other services this area as development occurs.

(m) *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 Bains, the remaining LESP area and the City's General Plan (Housing Element) consider regional housing needs for the City as a whole.

(n) *Any information or comments from the landowner, voters or owners.*

The landowners are in favor of the annexation and have petitioned LAFCo for Annexation with unanimous consent.

(o) *Any information relating to existing land use designations.*

The proposed project conforms to the City General Plan and Zoning Ordinance as amended by the LESP. Land use designations are for mixed-use development as enumerated above.

(p) *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 location of public facilities and the provision of public services.*

There are no issues associated with environmental justice with this proposal.

(q) *Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be 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 256.18-acre territory will be placed into the Local Responsibility Area, as is the surrounding area albeit the CSA G will continue to provide services as a pass through funding agency. This existing development is not located in a high fire intensity zone. The City currently provides fire and EMS services to the area and will continue to do so after developed.

2. Sutter LAFCO General Policies

Policy		Comment
Communication between local agencies is encouraged.	Communication has occurred throughout the process on a regular basis. Consistent	N/A
Urban development proposals shall include	Consistent The	

annexation to a city where possible.	City supports this annexation	
LAFCO will normally deny proposals that result in urban sprawl.	This application is part of the LESP approved as part of the City's General Plan.	
Environmental consequences (CEQA) shall be considered.	Consistent	EIR prepared and previously certified by the City and LAFCo for the SOI
LAFCO will consider the impact of a proposal on the regional supply of housing for all income levels.	Consistent	
LAFCO will favor proposals that promote compact urban form and infill development.	Consistent as the LESP is part of the City's GP	LAFCo has included the LESP in its SOI
Government structure should be simple, accessible, and accountable.	Consistent	There is no indication of unnecessary complexity or lack of accessibility or accountability.
Agencies must provide documentation that they can provide service within a reasonable period of time.	Consistent	An EIR, MSR and SOI document Yuba City is able to provide services within a reasonable period of time, Bains has a plan for services entitlements in the LESP.
Efficient services are obtained when proposals: Utilize existing public agencies. Consolidate activities and services. Restructure agency boundaries to provide more logical, effective, and efficient services.	Consistent	Yuba City will be the provider of services for this annexation including services provided by CSA G
Adverse impacts on adjacent areas, social and economic interests and the local government structure must be mitigated.	N/A	
Conformance with general and specific plans required.	Consistent	Yuba City General Plan is the controlling document. Bains is consistent.

<p>Boundaries: Definite boundaries are required. Boundaries that are favored: Create logical boundaries & eliminate islands or illogical boundaries. Follow natural or man-made features and include logical service areas.</p> <p>Boundaries that are disfavored: Split neighborhoods or communities. Result in islands, corridors, or peninsulas. Drawn for the primary purpose of encompassing revenue-producing territories. Create areas where it is difficult to provide services.</p>	Consistent	
<p>Agricultural and Open Space Land Conservation Standards: Must lead to planned, orderly & efficient development. Approved Sphere of Influence Plan required. Findings with respect to alternative sites required. Impact on adjacent agricultural/open space lands assessed.</p> <p>Agricultural Buffers</p>	Consistent, adjacent ag impacts have been addressed in the EIR. This area is planned and in the SOI for the City.	
<p>Need for services exists when: Public health and safety threat exists. The residents have requested extension of non-growth-inducing community services. Subject area is likely to be developed for urban use within 5 years.</p>	Consistent	The area is likely to be developed within 5 years
<p>Exceptions are justified on the following grounds: Unique. Standards Conflicts. Quality/Cost. No Alternative.</p>	Consistent	No policy exceptions are needed

Annexation and Detachment Policies—Sutter LAFCO General

Policy		Comment
Proposals must be consistent with LAFCO general policies.	Consistent	This annexation consistent
A proposal must be consistent with the agency's Sphere Plan.	Consistent	The proposal is consistent.
Plan for Services required.	Consistent	See plan for services
Subject territory must be contiguous to the	Yes	This territory is

agency's boundaries if required by law, or if necessary for efficient service delivery.		contiguous with the City.
The detachment is necessary to ensure delivery of services essential to Health and Safety.	N/A	Albeit the fire district is also managed by the City of Yuba City
The Successor provider will be the most efficient service provider	Consistent	Yuba City can provide a full compliment of City services
The service plans for districts, which lie within a City's Sphere of Influence should provide for orderly development as area is annexed to the City.	Consistent	
Detachment from a City or Special District shall not relieve the landowners within the detaching territory from existing obligations for bonded indebtedness or other indebtedness previously incurred.	N/A, The City will continue to Fire services	
Adverse impact of detachment on other agencies or service recipients is cause for denial.	N/A	
Disadvantaged Unincorporated Communities	N/A	There are no DUCS adjacent or near this proposal
Action options include: Approval. Conditional approval to require only a portion of the area to be detached. Denial.		

IV. COMMENTS FROM THE PUBLIC AND PUBLIC AGENCIES

Sutter LAFCo submitted the proposal to various local agencies for review and one comment from the County was received.

V. STAFF RECOMMENDATIONS

Staff recommends the Commission approve this Annexation to the City of Yuba City by adopting Sutter LAFCo Resolution 2022-02 including terms and conditions.

Respectfully Submitted,

John Benoit,
Executive Officer

Attachments:

Attachment #1 LAFCo Resolution 2022-0001

Attachment #2 Plan for Services (included on LAFCo's webpage)

Attachment #3 Development Agreement (included on LAFCo's webpage)

Attachment #4 (Environmental Documents included on LAFCo's Website)
www.sutterlafco.org

Attachment #5 Comments from the County

**SUTTER LAFCO
RESOLUTION NO. 2022-0002**

Attachment #1

*A RESOLUTION OF THE SUTTER LOCAL AGENCY FORMATION
COMMISSION APPROVING THE ANNEXATION OF BAINS ANNEXATION TO
THE CITY OF YUBA CITY*

Recitals

WHEREAS, On August 16, 2021, a application by petition was submitted to the Sutter Local Agency Formation Commission (LAFCO) by the Karm Bains and Guru Nanak Sikh Society of YC requesting an annexation of territory to the City of Yuba City including 256.18 acres more or less; and

WHEREAS, on January 13, 2022 Sutter LAFCo adopted Resolution 2022-02 approving the City's request to annex the 256.18-acre more or less to the City of Yuba City; and

WHEREAS, On Dec 16, 2021, LAFCO issued a Certificate of Filing in accordance with Government Code Section 56658(g) for the Bains Annex to Yuba City; and

WHEREAS, At the time and in the form and manner provided by law, the Executive Officer provided notice a meeting to be held by the Commission regarding this proposal; and

WHEREAS, The Executive Officer has reviewed the application and prepared a report, including his recommendations. The petition and report have been presented to and considered by the Commission; and

WHEREAS, The Executive Officer's Report sets forth and discusses the factors to be considered in the review of a proposal required by Government Code section 56668 (a part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) and LAFCo's adopted Policies, Standards and Procedures. Those items, are discussed in the Executive Officer's Report; and

WHEREAS, The Commission has reviewed and considered the Executive Officer's Report including those factors required by Government Code section 56668 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 an rules and procedures for the Sutter Local Agency Formation Commission, as amended on May 9th, 2019, The Lincoln East Specific Plan (LESP), the Plan for Services and the EIR prepared for the LESP and the City's General Plan. The Commission conducted a public meeting at which time it heard and received oral and written comments, other evidence submitted, and objections presented or filed regarding the proposed reorganization. All persons present were given an opportunity to hear and be heard.

The **SUTTER LOCAL AGENCY FORMATION COMMISSION** resolves, determines, orders, and finds as follows: