

ITEM 10

**Executive Officer's Report**

**SUTTER LAFCo  
Bains, Kells West (Basrai) and Kells East Annexations TO THE GILSIZER  
COUNTY DRAINAGE DISTRICT**

**Sutter LAFCo No. 2022-0004**

**May 12, 2022**

**TO:** Sutter Local Agency Formation Commission  
**FROM:** John Benoit, Sutter LAFCo Executive Officer  
**SUBJECT:** Bains (West Sanborn), Kells West (Basrai) and Kells East Annexations to the Gilsizer County Drainage District

**EXECUTIVE OFFICER'S RECOMMENDATION:**

Adopt the proposed Sutter LAFCo Resolution 2022-0011 (see Attachment #1) approving an annexation consisting of three areas - a 262.58 - acre more or less annexation to the Gilsizer County Drainage District referred to as the Bains-Kells Gilsizer Annexation to provide drainage services to annexation area for the Bains, Kells East and West areas. This territory is within the City of Yuba City and entirely within both the City's and Gilsizer Drainage District's Sphere of Influence as adopted on July 8, 2021 and amended on March 12, 2022.

**SUGGESTED MOTION:**

Adopt proposed Sutter LAFCo Resolution 2022-0011 approving the Bains (West Sanborn), Kells West (Basrai) and Kells East Annexations consisting of three areas (Bains (West Sanborn) 19.64-acres, Kells East 107.84-acres and Kells West Basrai 135.18 acres more or less into the Gilsizer County Drainage District.

This proposal includes the following components:

- Annexation of the affected territory to Gilsizer County Drainage District for storm drainage services provided by the district.

The City adopted a plan for services for the City's Annexations previously approved by LAFCo which included applicable drainage plan components for the Bains (West Sanborn), Kells West (Basrai) and Kells East Annexations to the Gilsizer County Drainage District

**I. BACKGROUND:**

An Executive Officer's Report was prepared, provided to and reviewed by the LAFCo Commission for Annexations to Yuba City and the Gilsizer County Drainage District. The Annexations to the Gilsizer County Drainage District were not considered by LAFCo since there was no property tax sharing agreement in place. An Executive Officer's

Report was prepared for the Bains Annexation including 19.56 -acres, the Kells West Annexation including 135.18 -acres and the Kells East Annexation including 107.84-acres. These annexations contain 100% landowner consent.

A. Summary:

In 2021 Sutter LAFCo received a Petition of Application and Plan for Providing Service proposing an annexation to both the City of Yuba City for the Bains (West Sanborn), Kells West (Basrai) and Kells East Annexations, which were subsequently approved by LAFCo. Since there was no property tax sharing agreement in place for these three annexations to the Gilsizer County Drainage District a separate property tax sharing agreement is required for the annexations consisting of the Bains (West Sanborn) 19.64-acres, Kells East 107.84-acres and Kells West Basrai 135.18 acres more or less having a total area of 262.58 acres more or less.

Staff recommends the Local Agency Formation Commission approve the annexation of the 262.56 acres (more or less) included in three areas to the Gilsizer County Drainage District. subject to the terms and conditions stated in proposed Sutter LAFCo Resolution 2022-0011

B. Proposal and Justification:

The purpose of the proposed project is to annex a total of 262.58 acres (more or less) into the Gilsizer County Drainage District in order for the landowners to receive drainage services from the district.

C. Bogue-Stewart Master Plan:

In 2019 the City adopted the Bogue-Stewart Master Plan. After holding a Public Hearing, adopt a Resolution certifying the Environmental Impact Report (EIR) (SCH #2017012009) on December 17, 2019 prepared for the master plan, a Resolution approving a General Plan Amendment (GPA 14-05), a Resolution approving Specific Plan Amendment (SPA 16-05 including the Public Facilities Finance Plan) were adopted, and an Ordinance approving Pre-annexation Zoning (RZ) 14-04 for land inside the BSMP.

The BSMP consists of approximately 741-acre mixed-use community that includes 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 EIR addresses a sphere of influence amendment, annexation, General Plan amendment, and pre-zoning in the BSMP area.

The intent of the Bogue-Stewart Master Plan is to provide for the orderly and systematic development of the 741-acre Bogue Road – Stewart Road area. The Plan, was adopted as a specific plan, combining elements from 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, Office/business Park and recreational sites and other public facilities.

D. 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 #2 Lincoln East Specific Plan).

E. LAFCo's Adopted MSR and SOI

1. On November 12, 2020 Sutter LAFCo Adopted a Service Review and Sphere of influence and added the 741-acre BSMP area to the City's Sphere of Influence.

In adopting a Sphere of Influence update to include the BSMP 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.

On July 8<sup>th</sup> 2021 Sutter LAFCo adopted Resolution 2021-0005 amending the Sphere of Influence for the Gilsizer County Drainage District to include the area requiring drainage services located within the BSMP area. And on May 12, 2022 LAFCo approved another Sphere Amendment for the LESP and Bains for the Gilsizer Sphere of Influence This proposal is within the adopted Sphere of Influence, as amended on January 8, 2021 and May 12, 2022.

Sutter LAFCO received petitions of Application, and Plans for Providing Service for these annexations to the Gilsizer County Drainage District.

This proposed annexations is within the adopted Sphere of Influence for the City and the Gilsizer County Drainage District, as amended and are considered uninhabited having less than 12 registered voters.

On May 12, 2022 Sutter LAFCo Adopted Resolution 2022-0009 amending the Sphere of influence to include territory within the Lincoln East Specific Plan within the Gilsizer County Drainage District's Sphere of Influence. This sphere of influence amendment includes and additional 239.67 acres.

Attachment 3 shows the Environmental Documentation which is included on LAFCo's Website [www.sutterlafco.org](http://www.sutterlafco.org) .

#### F. Environmental Review EIR for the BSMP and LESP

In 2020 LAFCo acted a responsible agency for the Sphere of Influence for the BSMP, 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.

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 BSMP for its 741-acres, pre-annexation zoning for the BSMP 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 amendment adding the 741-acre BSMP area into the City's Sphere of Influence.

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.

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: April 12, 2022  
B. Publication and Posting: April 12, 2022  
C. Compliance with CEQA: EIRs Prepared per CEQA guidelines  
Lead Agency: City of Yuba City  
Responsible Agency: LAFCo  
Environmental Finding: EIRs  
Date of Finding: Dec 17, 2019

D. Compliance with applicable Plans:  
The proposed annexation is within the BSMP planning area and conforms to the Yuba City General Plan and the Yuba City Zoning Ordinance.

E. Compliance with applicable Spheres of Influence:  
The proposed annexation conforms to the Gilsizer County Drainage District adopted Sphere of Influence, as amended which includes the BSMP.

F. Existing Land Use and Zoning:

LAND USE DESIGNATIONS: Low density residential (LDR), low-medium density residential (LMDR), medium-high density residential (MHDR), park, open space, community commercial (CC), neighborhood commercial (NC), Office and Office Park (O/OP), and public facilities.

ZONING: Community Commercial Zoning District (C-2/SP-BSMP), Neighborhood Convenience Commercial Zoning District (C-1/SP-BSMP), Office Commercial Zoning District (C-/SP-BSMP), Single Family Residential Zoning District (R-1/SP-BSMP), Low-Medium Density Residential Zoning District (R-2/SP-BSMP), Multi-Family Residential Zoning District (R-3/SP-

DWELLINGS: BSMP), and Public Facilities (PF/SP-BSMP).  
POPULATION: two  
REGISTERED VOTERS: Uninhabited  
Less than 12.

G. Landowner(s): 10 landowners

H. Existing Land Use and Zoning for Surrounding Territory:

The property is currently used for agriculture orchards and row crops. There are two (2) residential home site within the proposed annexation.

North: Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: Mixed Residential

I. Proposed Development:

The annexation area is proposed for development

J. General Plan designation: The General Plan designation includes low density residential (LDR), low-medium density residential (LMDR), medium-high density residential (MHDR), park, open space, community commercial (CC), neighborhood commercial (NC), Office and Office Park (O/OP), and public facilities.

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

North: Neighborhood commercial, medium/low density residential, and low density residential

South: Low density residential

East: Low density and medium-high density residential

West: Open Space, community commercial, low density and medium-high density residential

L. Fiscal Data:

A Tax Agreement was adopted on April 12, 2022 between Sutter County and the Gilsizer County Drainage District. This agreement calls for a zero property tax exchange between Sutter County and the Gilsizer Drainage District pertaining to future annexations into the Gilsizer County Drainage District. (Resolution 22-027 "A RESOLUTION OF THE SUTTER COUNTY BOARD OF SUPERVISORS AUTHORIZING NO EXCHANGE OF PROPERTY TAX REVENUE BETWEEN SUTTER COUNTY AND THE GILSIZER DRAINAGE DISTRICT PERTAINING TO THE FUTURE

ANNEXATIONS INTO THE GILSIZER DISTRICT” is shown as Exhibit C of LAFCo Resolution 2022-027).

M. Existing and Proposed Service Agencies:

Service	Existing Provider	Proposed Provider
School Districts	Franklin Elementary, Yuba City Unified	Same
Fire Protection	Yuba City	Same
General Government	Yuba City	Same
Police Protection	Yuba City	Yuba City
Off-site Drainage and Flood Control	none	Gilsizer Drainage
Water and Wastewater	Yuba City	Yuba City Same
Street Lighting	Yuba City	Yuba City
Roads	Yuba City	Yuba City
Emergency Services	Yuba City	Same

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 Newkom Ranch Gilsizer Annexation to the Gilsizer County Drainage District

- (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 served by this annexation at full build out of the 262-acre territory assuming an average of 4 units to the acre and a population of 2.93 per equivalent dwelling unit would be approximately 3,070 (based on the 2000 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 exists for drainages service meeting state standards. All services in the annexation area are as described in the Plan for 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.*

This annexation will bring the 262 acres more or less into the Gilsizer County Drainage District.

- (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 Gilsizer County Drainage District sphere of influence, as amended in July 2021 and May 12, 2022. The proposed development conforms to the City's Zoning and General Plan and will be controlled by a Development Agreement.

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

This development is not in an agricultural area and is located in the Sphere of Influence for the City. This area is located adjacent to the existing previously developed city limits and unincorporated developed area.

- (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, LESP and BSMP 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 BSMP and the LESP, which are the master plan for the 262-acre annexation area.

- (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.*

No comments have been received.

- (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 Gilsizer Drainage District has the ability to provide the annexation area with safe and reliable drainage 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 LESP and BSMP 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 annexations and have petitioned LAFCo for Annexation.

(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 BSMP and 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 City through CSA G 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 annexation to a city where possible.	Consistent The City is applying for annexation	
LAFCo will normally deny proposals that result in urban sprawl.	This application is part of the BSMP and LESP approved as part of the City's General	

	Plan.	
Environmental consequences (CEQA) shall be considered.	Consistent	EIRs 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 BSMP is part of the City's GP	LAFCo has included the BSMP in its SOI as well as a portion of the LESP
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 EIRs, MSR and SOI documents Yuba City is able to provide services within a reasonable period of time, A plan for services has been prepared for these areas.
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	Gilsizer will be the provider of serves for this annexation
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. The LESP and BSMP are consistent.
Boundaries: Definite boundaries are required. Boundaries that are favored: Create logical boundaries & eliminate islands or illogical boundaries.	Consistent	

<p>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>		
<p>Agricultural and Open Space Land Conservation Standards:  Must lead to planned, orderly &amp; 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>	<p>Consistent, adjacent ag impacts have been addressed in the EIRs. This is planned and in the SOI for the City.</p>	
<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>	<p>Consistent</p>	<p>The area is likely to be developed within 5 years</p>
<p>Exceptions are justified on the following grounds:  Unique.  Standards Conflicts.  Quality/Cost.  No Alternative.</p>	<p>Consistent</p>	<p>No policy exceptions are needed</p>

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 agency's boundaries if required by law, or if necessary for efficient service delivery.	Yes	This territory is 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 complement of City services. The Gilsizer Drainage District will provide Drainage 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 no comments were received.

V. STAFF RECOMMENDATIONS

Staff recommends the Commission approve the Annexation to the Gilsizer Drainage District by adopting Sutter LAFCo Resolution 2022-0011 including terms and conditions.

Respectfully Submitted,

John Benoit,  
Executive Officer

Attachments:

Attachment #1 LAFCo Resolution 2022-0011  
Attachment #2 Lincoln East Specific Plan  
Attachment #3 Environmental Documents included on LAFCo's Website  
[www.sutterlafco.org](http://www.sutterlafco.org)

**SUTTER LAFCO  
RESOLUTION NO. 2022-0011**

**Attachment #1**

*A RESOLUTION OF THE SUTTER LOCAL AGENCY FORMATION  
COMMISSION APPROVING THE ANNEXATION OF THE BAINS (WEST  
SANBORN), KELLS WEST (BASRAI AND KELLSE EAST ANNEXATIONS TO  
THE GILSIZER COUNTY DRAINAGE DISTRICT*

**Recitals**

**WHEREAS**, On June 6, 2021, an application by petition was submitted to the Sutter Local Agency Formation Commission (LAFCO) by Karm Bains requesting an annexation of territory to the Gilsizer County Drainage District including 19.64± acres more or less; and

**WHEREAS**, On October 4, 2021, an application by petition was submitted to the Sutter Local Agency Formation Commission (LAFCO) by Jaswant Bains for the Kells East Annexation requesting an annexation of territory to the Gilsizer County Drainage District including 107.84± acres more or less; and

**WHEREAS**, On December 21, 2021, an application by petition was submitted to the Sutter Local Agency Formation Commission (LAFCO) by Iqbal Basrai requesting an annexation of 47.26 acres to the Gilsizer County Drainage District. This application was expanded to 135.18 acres more or less; and

**WHEREAS**, The three aforementioned annexations were not heard since no property tax sharing was in place. The three areas were annexed into the City of Yuba City; and

**WHEREAS**, on July 8, 2021 and March 12, 2022 Sutter LAFCo adopted Resolution 2021-0005 and Resolution 2022-0009 approving Sphere of Influence amendments to include portions of the BSMP and LESP areas into the Gilsizer County Drainage District's Sphere of Influence.

**WHEREAS**, On April 12, 2022, LAFCO issued a Certificate of Filing in accordance with Government Code Section 56658(g) for the Bains, Kells East and Kells wet annexations into the Gilsizer County Drainage District; and

**WHEREAS**, At the time and in the form and manner provided by law, the Executive Officer gave notice of a public 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 9<sup>th</sup>, 2019, The Bogue Stewart Master Plan (BSMP) the Lincoln East Specific Plan (LESP) and Plan for Services and the EIR's prepared for the BSMP and LESP. The Commission conducted a public meeting at which 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:

### **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 and Annexations within the 741-acre BSMP planning area. 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. In November 2009, the City of Yuba City, as Lead Agency, prepared and certified the Final Environmental Impact Report for the LESP and certified the Environmental Impact Report for its General Plan in February 2004 and adopted

Findings of Fact and a Statement of Overriding Considerations and adopted a Mitigation Monitoring and Reporting Program.

4. The Commission has reviewed and considered the Final Environmental Impact Report for the LESP, which includes an analysis of the City's Sphere of Influence and Annexations within the 1,160 LESP planning area. The Final Environmental Impact Report consists of the following:
  - g. The Draft Environmental Impact Report prepared by the City of Yuba City as Lead Agency
  - h. Comments and recommendations received by the City of Yuba City Draft Environmental Impact Report.
  - i. A list of persons, organizations and public agencies commenting on the Draft Environmental Impact Report.
  - j. The responses of the Lead Agency to significant environmental points raised both during and after the review and consultation process.
  - k. A Mitigation Monitoring Reporting Plan.
  - l. A Statement of Overriding Considerations
5. The Commission makes a specific finding that there have been no changes in physical circumstances nor could have been no changes in physical circumstances since the City certified the Environmental Impact Report for its General Plan on November 2009 and 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 the BSMP and LESP.
6. In accordance with CEQA Guidelines Section 15090, the Final Environmental Impact Reports reflect the Lead Agency's independent judgment and analysis.

## **SECTION 2: Terms and Conditions:**

1. The foregoing recitals are true and correct.
2. In reviewing this application, the Commission finds that all property owners and registered voters in said territory have been given notice regarding this reorganization.
3. In reviewing this application, the Commission finds that services to be provided by the Gilsizer County Drainage District are necessary and that there will not be a duplication of other powers provided by any other special district or service provider.

4. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.
5. The LAFCO Executive Officer's Staff Report including attachments and recommendation for approval of the proposal is hereby incorporated by reference and hereby adopted.
6. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as described in Exhibits "A 1 through A-3" Boundary Description and "B1 through B3" Map attached hereto and by this reference incorporated herein subject to the terms and conditions included.
7. As stated in the LAFCO Staff Report of March 12, 2022, the amount of sales tax and the amount of base property tax and tax increment transferred shall be zero in accordance with Sutter County Resolution 22-027 adopted on April 12, 2021 attached hereto as Exhibit "C".
8. Said annexations of territory are found to be uninhabited.
9. The annexation of territory is assigned the following short form designation:  
  
**" Bains, Kells West and Kells East Annex to the Gilsizer County Drainage District (LAFCo file 2022-0004)"**
10. The boundaries of the affected territory are found to be definite and certain.
11. The application for the annexation to the Gilsizer County Drainage District (LAFCO 2022-0004) is hereby approved to provide city services within the territory.
12. Further protest proceedings are waived and the Commission orders the 262.58-acre annexation to the Gilsizer County Drainage District pursuant to Part 4 of Division 3 of the California Government Code commencing with Section 57000. Satisfactory proof has been given that the subject territory is uninhabited, that all landowners within the affected territory have given their written consent to the proposal and all affected agencies have not objected in writing to the waiver of conducting authority proceedings (Section 56663 of Government Code). Therefore, The Commission does hereby approve and authorize the conducting authority to annex the territory described in Exhibits "A1 through A3" and "B1 through B3" to the Gilsizer County Drainage District without notice and election.
13. All Gilsizer County Drainage District previously authorized assessments; taxes, fees and charges shall apply to this annexed territory upon recordation of the Certificate of Completion.
14. All LAFCO, Sutter County and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of estimated required fees or deposits to the annexation applicant(s) prior to filing the