

Gilsizer Sphere of Influence Study

July 8, 2021

Gilsizer County Drainage District is a County Drainage District formed under state law in 1963, to improve storm drainage service to the Yuba City area and to maintain Gilsizer Slough and the North Pump Station at the Feather River levee north of the Tenth Street Bridge. The District is comprised of approximately 6,000 acres of land, most of which is in the City of Yuba City. The north District boundary is one-half mile south of Pease road running parallel with Pease Road. The east boundary is roughly along the western edge of the Feather River and the west boundary runs along Sanborn Road, Harding Road and Tharp Road. The District's southerly boundary is Bogue Road. The latest change to the district's SOI was the North Sanborn Drain Reorg and Sphere of Influence amendment consisting of 30-acres more or less in 2004.

The District was formed via a Resolution 3758 on August 5, 1963. The District's enabling legislation grants the District authority to conduct drainage activities in accordance with the guidelines of the County Drainage District Act (Division 17 of the California Water Code).

Before the first Feather River levees were constructed in the late 1800s, Gilsizer Slough was a natural overflow channel of the Feather River that flowed into Sutter Basin near Robbins. Sutter Drainage District, a predecessor to Gilsizer County Drainage District, was formed in 1910 to improve the natural slough channel. When the State of California built the Sutter By-pass in the 1920s, its levees cut across the slough channel at a point downstream of Township Road blocking the flow of the slough. In an attempt to avoid resulting ponding, the State constructed drainage canals and pumping stations along the by-pass to pump the intercepted storm waters over the levee to the by-pass channel.

Since its formation, District activities have included: widening slough rights-of-way, excavation, grading, maintenance of roadway culverts including widening, and erosion control measures. Recently, District activities have increased the flow capacity of the slough to meet the area's storm drainage needs. However, storm drainage from the area continues to increase and greater flows require slough channel and road crossing improvements and more revetments to protect against bank erosion.

Newkom Ranch Partners is proposing a 183-acre more or less annexation to the District. The District is supporting a SOI amendment to review the entire 741-acre Bogue Stewart Master Plan (BSMP) area. Specifically this SOI amendment proposes to annex 544-acres since some of the acreage does not need Gilsizer County Drainage District services.

The BSMP was adopted as a specific plan by the City of Yuba City and establishes the regulatory structure to guide development. The BSMP has two proposed subdivisions within the Master Plan, Newkom Ranch and Kells East Ranch, Phases 1 and 2. The BSMP provides for the development of a planned community of residential, commercial, office/business park and recreational sites and other public facilities. An Environmental Impact Report (EIR) for the BSMP was prepared, certified, and circulated. The EIR provides a preliminary drainage design that proposed improvements needed for mitigation and conveyance of stormwater flows to Gilsizer Slough for approximately 544 acres of the BSMP area. The EIR proposed several detention basins adjacent to Hwy 99 and widening Gilsizer Slough between Bogue Road and Stewart Road for detention within the slough to reduce the post-development 100 year stormwater discharge flows to less than pre-development flows. Neither the BSMP nor the EIR propose increasing downstream capacity of the slough. Due to existing topography, drainage of

the area to Gilsizer Slough is the most feasible option available for the 544-acre area. The remaining 197-acre area of the BSMP will drain eastward to an existing detention pond in Shanghai Bend.

The Municipal Service Review (MSR) dated December 17, 2019 for the annexation of the BSMP area to Yuba City states that all future development is required to fund and install the necessary storm drainage infrastructure. The BSMP Project developer is expected to finance/construct all drainage backbone improvements including detention ponds and backbone trunk lines. The MSR also describes a new proposed fee program, BSMP Fee, which would fund Project Backbone Infrastructure. The BSMP Fee costs would apply to roadway, sewer, water, drainage, neighborhood parks, and fee formation/updates that would be funded by the project at buildout.

The BSMP and EIR show preliminary design of the stormwater detention basins and larger trunk conveyance pipes. The BSMP or EIR don't work out all the specifics of timing, funding, and extent of improvements for each phase of development. The terms and conditions of the resolution require involvement of the District Engineer and Board for continued approval of each phased final map as development moves forward so that Gilsizer Slough is not adversely affected by the development and that the project has adequate connectivity to the slough to protect the proposed development from flooding from stormwater.

The district currently collects drainage fees for new development at a rate of \$0.184 per square foot of impervious surface that causes additional storm drainage runoff. The current fee was adopted September 14, 2005 and is collected at the time of building permit issuance of new development. If a third of the 544 acres in the proposed development is covered by impervious surface (roads, parking lots, driveways, sidewalks, roofs, etc.) the district could collect fees of \$1.45 million dollars. The ordinance governing the collection of the fee states that the fees are collected for construction and expansion of the facilities serving the District. How those fees are used will need to be decided at a later date by the Board.

In addition to comply with City Goals and Policies the expansion of the Gilsizer SOI and subsequent annexations comply with the following Countywide goals:

- Goal C: Maintain strong commitment to public safety (including Law Enforcement, District Attorney, Public Defender, Probation, Fire, Emergency Management, and related services).
- Goal E: Provide and enhance public infrastructure, including essential water, wastewater, other utilities, transportation systems (including "Farm to Market" roads), and achieve best possible flood protection for entire County region, including upgrading necessary levees to obtain reasonable flood insurance coverage for all residents, businesses, and property owners.

Sphere of Influence Determinations:

The boundary of Gilsizer County Drainage District's Sphere of Influence has always been identical to the area that the District serves. A Sphere of Influence is the probable growth boundaries for an agency as determined by the LAFCo Commission. The SOI will allow for district expansion provided the Commission adopt determinations. As part of amending a sphere of influence, the LAFCo Act requires LAFCO to prepare written determinations as follows:

1. The present and planned land uses in the area, including agricultural and open space lands.

According to the MSR, the District has planned for an increase of 30% over the next several years. Most of the lands in the District are urban uses. Future development will result from in-fill of existing sites within the District boundaries and areas planned and zoned for urban development such as portions of the BSMP.

2. The present and probable need for public facilities and services in the area.

The Gilsizer Drainage District has sufficient infrastructure planning, financial commitment, and practices to ensure that infrastructure and capital facilities can be maintained

To determine the need for probable improvements in the future, the District utilizes a plan to evaluate necessary future improvements in a report prepared for the district for that purpose. Based on the evaluation, District officials plan to increase drainage infrastructure capacity, to accommodate projected growth within the district including 544-acres of the BSMP.

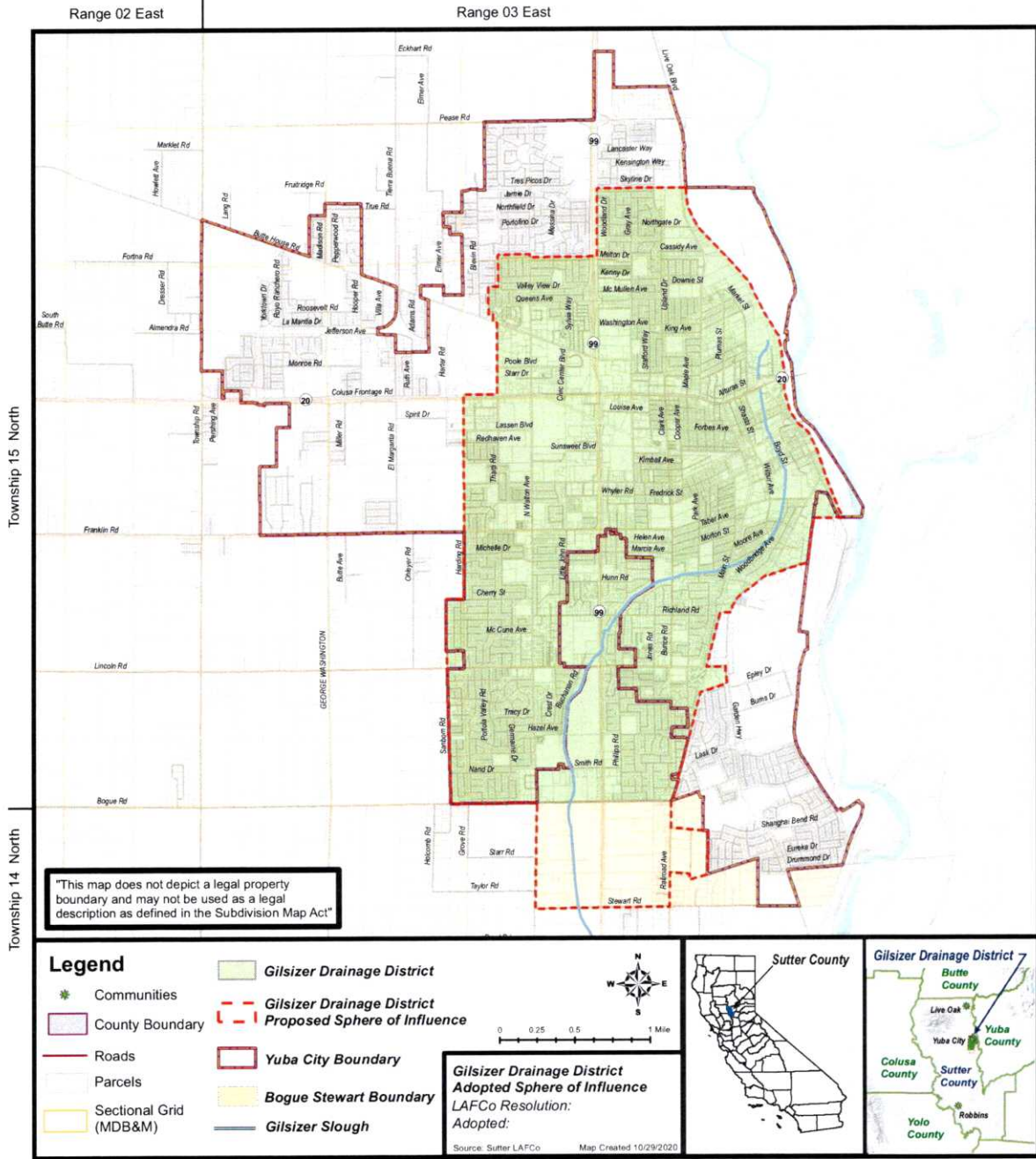
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The District has flow capacity of the slough to meet storm drainage needs. However, as storm drainage from the District continues to increase as development is constructed, and the District will need to require slough channel and road crossing improvements and more revetments to protect against bank erosion. More growth in Yuba City is expected and the flow capacity will need to keep pace with the resulting storm drainage demand.

4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The District provides drainage services for most of the City of Yuba City and surrounding areas. There are no known social or economic communities of interest in the area other than the City of Yuba City.

LOCAL AGENCY FORMATION COMMISSION GILSIZER DRAINAGE DISTRICT PROPOSED SPHERE OF INFLUENCE



"This map does not depict a legal property boundary and may not be used as a legal description as defined in the Subdivision Map Act"

- Legend**
- ★ Communities
 - County Boundary
 - Roads
 - Parcels
 - Sectional Grid (MDB&M)
 - Gilsizer Drainage District
 - Gilsizer Drainage District Proposed Sphere of Influence
 - Yuba City Boundary
 - Bogue Stewart Boundary
 - Gilsizer Slough

**Gilsizer Drainage District
Adopted Sphere of Influence**
LAFCo Resolution:
Adopted:
Source: Sutter LAFCo Map Created 10/29/2020



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 8th day of July 2021, by the following vote:

AYES:

NOES:

ABSENT:

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 through 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.