

BEFORE THE YUBA LOCAL AGENCY FORMATION,
YUBA COUNTY, STATE OF CALIFORNIA

IN RE:

RESOLUTION MAKING DETERMINATIONS)	
& APPROVING A SPHERE OF INFLUENCE)	
PLAN UPDATE FOR THE)	RESOLUTION NO. 2012-0006
<u>CITY OF MARYSVILLE)</u>	

RESOLVED, by the Yuba 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 Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the City of Marysville; 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 mandated by Government Code Section 56430 was conducted by the Yuba Local Agency Formation Commission and adopted on July 28, 2008 in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and

WHEREAS, the County of Yuba prepared a General Plan and certified an Environmental Impact Report with a Statement of Overriding Considerations that included within its scope the territory within the proposed updated Sphere of Influence for the City of Marysville and acted a lead agency under CEQA; and

WHEREAS, the County of Yuba prepared and certified an Environmental Impact Report (SCH#2010062054) for the Yuba County General Plan and adopted Resolution 2011-46 on June 7, 2011; and

WHEREAS, the County’s Adopted General Plan includes the territory within the city recommended (proposed) Sphere of Influence.

WHEREAS, the Executive Officer, pursuant to Government Code Section 56428, has prepared a 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 update report prepared for its August 15, 2012 public hearing. public testimony, testimony by affected agencies and the City of Marysville, which is incorporated herein by reference; and

WHEREAS, the Commission has reviewed Sphere Options, Maps and Diagrams showing Sphere Alternatives and has carefully evaluated and deliberated Sphere Alternatives and options presented at the Public Hearings including LAFCo staff and City of Marysville recommendations; and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed Sphere of Influence update, 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 updated sphere boundary.

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

SECTION 1. Environmental Findings

1. On June 7, 2011, the County of Yuba, as Lead Agency, prepared and certified the Final Environmental Impact Report for the County General Plan 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 County of Yuba General Plan, which includes an analysis of territory within the City's Sphere of Influence. The Final Environmental Impact Report consists of the following:
 - a. The Draft Environmental Impact Report prepared by the County of Yuba as Lead Agency
 - b. Comments and recommendations received by the County on the 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.
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 are no grounds that require LAFCo to supplement the County's EIR under PRC 21166 and State CEQA Guidelines Sections 15162 and 15163. There have been no changes in physical circumstances since the

County certified the Environmental Impact Report for its General Plan and adopted Resolution 2011-46 on June 7, 2011. LAFCo has modified the Proposed Sphere by adding Sphere Policies but those changes do not constitute substantial changes in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (15162(a)(1)) Those changes and specific findings with regard to those changes are as follows:

- a. LAFCo has approved a reduction in Sphere size from the previous Sphere to reduce and mitigate the impacts on prime agricultural land. The Commission finds that that change, while reducing the land in the sphere available for future development, does not generate substantial adverse environmental impacts as there is ample undeveloped land remaining in the City's sphere for anticipated growth.
5. LAFCo makes findings that it has adopted the following mitigation measures to mitigate the environmental impacts of development within the SOI on prime agricultural land:
 - a. The LAFCo has reduced the area of the SOI to reduce the impacts on prime agricultural land.
 - b. LAFCO has included in its Sphere Plan for the City the following requirements:
 - i. LAFCo shall not approve any annexation to the City, which does not contain appropriate buffer areas separating agricultural lands from lands proposed for urban development (either commercial, industrial or residential with densities higher than 1 unit to the acre).
 - ii. LAFCo will work with the City to develop a farmland conversion mitigation program including farmland conservation easements to mitigate the conversion of prime farmland.
 - iii. -LAFCO's review process will include a project-specific assessment of loss of Prime Farmland and determine appropriate mitigation (type and amount). LAFCo will consider a city adopted policy or program that provides for mitigating loss of Prime Farmland within its Sphere of Influence.
6. The Commission hereby affirms in accordance with CEQA Guidelines Section 15090 the County's adopted certified Environmental Impact Report as well as its adopted findings for this Sphere of Influence Update.
 7. In accordance with CEQA Guidelines Section 15090, the Final Environmental Impact Report reflects the Lead Agency's independent judgment and analysis.
 8. The Commission has independently considered and hereby adopts the County of Yuba's environmental findings required by State CEQA Guidelines Section 15091 and Statement of Overriding Considerations required by Section 15093, as adopted by Yuba County Resolution 2011-46 on June 7, 2011 and which are incorporated by reference to this resolution and adopted hereto as its own in approving this Sphere Update.

SECTION 2. Findings for Adoption of the Sphere of Influence Update

1. That the proposed Sphere of Influence update with respect to City of Marysville 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 and as described in the staff report dated August 15, 2012, 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 Yuba County 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 and the Executive Officer's report dated August 15, 2012.
 - 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 Marysville's 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 this Sphere of Influence Update with respect to Disadvantaged Unincorporated Communities and existing services and Spheres of Influence for the Linda County Water District, the Reclamation District 784 and Linda Fire District will not be modified by this update.
3. Due to the presence of Prime Agricultural Lands within the proposed SOI, the SOI adopted by LAFCo outside the County's Urban Growth Boundary where much of the agricultural lands are located. Future annexations within this territory will not be approved by LAFCo without an updated City's General Plan, including agricultural preservation measures and the need to convert any of this land to non-open space uses.
4. That the Spheres of Influence of the Linda Fire District, the Reclamation District 784 and the Linda County Water District are not amended by this resolution. The City's Sphere of Influence for municipal and industrial water, fire and EMS and sewer shall not include areas within the Sphere of Influence (and) or district boundaries of the Linda County Water District, RD 784 and Linda Fire District. The Sphere of Influence for all other city services shall be as shown on the November 2011 city proposed update map as set forth in Exhibit "B".
5. That the Commission has considered the City of Marysville's General Plan, the Yuba County General Plan and the City's recommended Sphere of Influence of November 2011.

6. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study included in the Executive Officer's report dated August 15, 2012, as amended herein included by reference.
7. That the Determinations for the City of Marysville's updated Sphere of Influence are hereby adopted and approved as set forth in Exhibit "A".
8. That the Sphere of Influence Update Map for the City of Marysville's updated Sphere of Influence is set forth in Exhibit "B".
9. 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 Local Agency Formation Commission of the County of Yuba, State of California, on the 15th day of August 2012 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

Mary Jane Griego, Chair
YUBA LOCAL AGENCY
FORMATION COMMISSION

ATTEST: JOHN BENOIT
EXECUTIVE OFFICER

APPROVED AS TO FORM:

Michael Colantuono
LAFCO COUNSEL

Exhibit A

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

- Approximately 62 percent of housing units are single-family homes and 38 percent are multi-family units and mobile homes.
- Commercial and Industrial land uses comprise the second greatest areas within the city limits.
- Open space and public lands include a significant area within the city's developed area.
- Present land uses in the city proposed SOI expansion area consists of open space lands, commercial development and low and medium density residential land uses.
- The County is the land use authority for the unincorporated areas that are proposed to be included in the City's SOI, as such, the County's existing General Plan has established land use designations for these areas. The County recently has completed a General Plan update, which excludes a portion of the city's proposed sphere expansion area from future urban development.

Determination 1-2: Planned Land Uses

- The majority of land included in the proposed sphere of influence is designated for residential/commercial development by the County
- Marysville County has extensive land in public ownership, which will provide for ample open space.

Determination 1-3: Prime Farmland

- Future development and associated public improvements allowed under the proposed City of Marysville Sphere of Influence could result in the conversion of important farmland. Since this area is a floodway and subject to flooding urban development cannot take place.
- The City has not adopted General Plan policies to minimize the impact of development on agricultural uses. Prior to any annexations the city shall adopt policies to protect and conserve agricultural lands.
- LAFCO shall support appropriate buffer areas separating agricultural lands from lands with densities higher than 1 unit per acre.
- Prior to future annexations, the City must update its general plan and prezone the territory as required in the LAFCo Act.

Determination 1-4: Vacant Property

- At both present and future zoning levels, the City's vacant property does not have sufficient land capacity to meet its housing allocation for low and very low-income households.
- The City needs to expand its boundaries to accommodate additional growth to meet its regional housing needs share.

2. SOI Determinations on Present and Probable Need for Services

Determination 2-1: Existing Population and Past Population Growth

- There were 12,104 residents in the City limits in 2010.
- The City's population has declined from 12,220 in year 2000 to 12, 104 in year 2010.
- Between 2000 and 2010, the number of dwelling units within the City of Marysville grew slightly.

Determination 2-2: Future Population Growth

- The City's General Plan Land Use element does not project additional growth within the city limits, as the community is constrained geographically
- There is little land left for residential, commercial and industrial development in the city limits.
- The City's General Plan states, "Any future growth in excess of the few remaining acres of vacant land that exists will have to occur outside of existing city limits".

Determination 2-3: Present and Planned Development Projects

- Present and Planned Development Projects recently included a Caltrans District 3 Headquarters building, a charter school expansion, two new offices on Ramirez and Twelfth streets an expansion of a car dealership, an industrial complex on Ninth Street, and an expansion of the Rideout Memorial Hospital.

3. SOI Determinations on Facility Capacity and Service Adequacy

Determination 3-1: Present Capacity of Public Facilities and Adequacy of Public Services

- The City generally exhibits characteristics of well managed local government albeit the City's financial ability is somewhat constrained.
- The City's wastewater system does not adequate capacity to serve current development. The City has recently contracted with the Linda County Water District for wastewater disposal.

Determination 3-2: Future Capacity of Public Facilities and Adequacy of Public Services

- The City of Marysville facilities have the capacity to be expanded to serve additional population.
- The City's sphere of influence will be a Limited Service Sphere and not override the services or spheres of the Linda County Water District, the Linda Fire Protection District, and Reclamation District 784.

4. SOI Determinations on Social or Economic Communities of Interest

Determination 4-1: Communities of Interest

- Relevant social and economic communities of interest within the City of Marysville's SOI expansion area and sphere planning area include the landowners, services agencies, residents and farming operations that currently occupy the area.

5. SOI Determinations for Disadvantaged Unincorporated Communities.

Determination 5.1 – Median Household Income

-The City of Marysville and Linda Census Designated Places are considered a Disadvantaged Unincorporated Community having Median Household Incomes of \$37,858 and \$34,710 respectively.

Determination 5-2 – Service to be Provided

-Domestic and Industrial Water, Wastewater, fire and EMS services will continue to be provided by the present service providers and not be affected by the Sphere of Influence Update for the City of Marysville.

Determination 5.3 –City Limited Service Sphere

-There will not be any effect upon either Disadvantaged Unincorporated Community (Marysville and Linda) since the Linda Fire District, the Linda County Water District and the Reclamation District 784 will not be affected by the Sphere of Influence update since the City's Sphere will be a limited service sphere.

Exhibit B



Exhibit 2


 <small>CITY OF MARYSVILLE 5300 N. Street, Marysville, CA 95901</small>		Proposed Sphere of Influence October 2011		DWG NO. Drawing 1
		ENG. FILE NAME CAD ProposedSphereofInfluence2011.dwg	SCALE NTS	DATE 10/26/11



Exhibit 2



Proposed Sphere of Influence			
October 2011			
ENG:	FILE NAME:	DWG NO.:	
CAD	ProposedSphereofInfluence2011.dwg	Drawing 1	
SCALE:	DATE:	REV:	SHEET:
NTS	10/26/11	2	1 of 1