

YUBA COUNTY LOCAL AGENCY FORMATION COMMISSION

JOHN BENOIT, EXECUTIVE OFFICER

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Yuba Local Agency Formation Commission

August 15, 2012

TO: LAFCO Commissioners

FROM: John Benoit, LAFCO Executive Officer

SUBJECT: Sphere of Influence (SOI) for Cordua Irrigation District

Attachments: 1. Sphere Options Report – Section on Cordua Irrigation District
2. Resolution adopting the Sphere of Influence Update for Cordua Irrigation District
3. Notice of Exemption

1. LAFCO's Responsibilities:

Government Code §56425 et seq. requires LAFCO to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” (§56076). Government Code §56425(g) requires that “on or before January 1, 2008, and every five years thereafter, the commission shall, as necessary review and update each sphere of influence.”

Yuba LAFCO is required to conduct a Sphere of Influence update consistent with the Policies and Procedures related to Spheres of Influence, adopted by Yuba LAFCO on July 11, 2007. Sphere of Influence Policies adopted by Yuba LAFCO and an analysis regarding this Sphere of Influence Update are as follows:

“4.1 GENERAL

Government Code §§ 56425 et seq. requires LAFCO to establish and maintain spheres of influence for all local agencies within its jurisdiction. A sphere of influence (SOI) is defined by statute as a “plan for the probable physical boundary and service area of a local government agency as determined by the commission” (§56076). Every determination made by a commission shall be consistent with the spheres of influence of local agencies affected by that

determination (§ 56375.5). A sphere of influence is primarily a planning tool that will:

1. Serve as a master plan for the future organization of local governments within the County by providing long range guidelines for the efficient provision of services to the public;
2. Discourage duplication of services by local governmental agencies;
3. Guide the Commission's consideration of individual proposals for changes of organization;
4. Identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations;
5. LAFCO shall establish the nature, location, and extent of any functions or classes of service provided by existing districts as part of SOI update and service review processes (§56425, §56430).

Note: The nature, location and extent of Cordua Irrigation District's functions are included in the Sphere Options Report prepared by Burr Consulting (accepted by Yuba LAFCo April 1, 2009) See attachment #1

4.2 PERIODIC REVIEW AND MAINTENANCE

The adequacy of each adopted SOI will be reviewed every 5 years following the initial sphere determination or initial review of an original sphere. At approximately 5-year intervals, a preliminary sphere evaluation will be conducted by LAFCO staff. The evaluation will include a recommendation by the Executive Officer to either (1) proceed with a sphere update study or; (2) affirm an existing sphere.

Each subject agency will be notified of the pending review of its SOI and will be requested to participate actively in any sphere update study deemed necessary by the Commission. Each agency will complete a SOI questionnaire relating to its services and plans. Failure to respond will be regarded as concurrence with the Executive Officer's recommendation.

Changes in land use, planning policy, demographics, demand for public services, or service capabilities may justify the need to study and amend spheres of influence. The Commission is responsible for the cost of LAFCO initiated review and revision of spheres. LAFCO will seek cooperative cost sharing agreements with the agencies involved.

LAFCO will receive requests for amendments to spheres at any time. If an agency, the County or other party requests a review, study and/or amendment of a sphere; LAFCO will undertake the review as required by statute. Where possible within the scope of its budget, LAFCO will assist a requesting agency with the costs associated with a sphere study in the initial review of an original sphere. Otherwise, fees to cover the actual costs associated with a sphere review and amendment may be charged to the party requesting the review.

Note: Yuba LAFCO is in the process of updating Spheres of Influence and has completed a Municipal Service Review and a Sphere of Influence Options report.

4.3 LIMITED SERVICE SPHERE OF INFLUENCE

Territory proposed for inclusion within the SOI of a multi-service provider agency which is also contained within the boundary of another limited purpose district (providing some but not all of the services which may be needed), may be included within the SOI of the multi-service agency and designated as a limited-service sphere of influence area. Territory designated as limited service sphere may be considered for annexation to the multi-service agency, without concurrent detachment from the limited purpose district, when the following determinations are made by the Commission:

- a. No feasible or logical alternative arrangement exists for the provision of service in the territory proposed for inclusion within the SOI.
- b. The existing multi-service agency is the most orderly and logical provider of some of the services which will be needed in the future.
- c. Existing services provided by the limited-purpose district are adequate, cost-effective and efficient.
- d. Inclusion of the territory in the SOI is in the best interests of local government organization and structure in the area.

Note: This policy is not applicable to this sphere of influence update.

4.4 CRITERIA FOR REVIEW OF SPHERE OF INFLUENCE AMENDMENTS

In determining the sphere of influence for each local agency, the Commission shall prepare a written statement of determinations with respect to each of the following:

- a. The present and the planned land uses in the area, including agricultural and open-space lands.
- b. The present and probable need for public facilities and services in the area.
- c. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

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

Note: a fifth determination is now required (effective July 1, 2012) this determination was not included in the Sphere Options Report although not required in the case of the Cordua Irrigation District Sphere of Influence.

e. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

(note “e” above is not applicable in this Sphere since the Cordua Irrigation District does not provide municipal and industrial water and therefore no determinations are included section 4 below.)

Before making these determinations, the Commission will review the following:

- i.) The service capacity, levels and types of services currently provided by the agency and the areas where these services are provided, topographic factors, financial capabilities, costs of service, and social and economic interdependencies;

Note: This is addressed in the MSR

- ii.) Existing and planned land uses, land use plans and policies; consistency with county and city general plans; projected growth in the affected area, and potential effects on agricultural and open space lands;

Note : The Yuba County General Plan adopted in 2011 provides for planned future land uses consistent with land use designations and the policies contained in the adopted County General Plan, as updated.

- iii.) A description of the services that will be provided to any areas which may be added to the sphere and the timing and method for funding expansion of facilities or services to those areas.

Note: Cordua Irrigation District provides retail water delivery for agricultural irrigation. Services provided by the District appear to be adequate. The District has sufficient revenues to provide maintenance of the ditches, canal and fish screen.

- iv.) An analysis of the effects of a proposed sphere of influence on other agencies and their service capabilities.

Note: The proposed Sphere of Influence for Cordua Irrigation District will resolve an overlap of service boundary areas Browns Valley Irrigation District

e. A substantial SOI amendment is an amendment that causes the SOI to be internally inconsistent, is inconsistent with provisions of the CKH Act, has the potential to cause significant adverse social, economic, environmental, or other consequences, or has substantial adverse regional planning implication. Substantial SOI amendments shall not be processed until service reviews are completed (§56430) and the subject SOI is updated consistently with §56425.

Note: N/A

f. A substantial SOI amendment may be processed concurrently with a service review and incorporated into a SOI update. However, LAFCO will make service review determinations prior to considering a substantial SOI amendment (§56425, §56430).

Note: N/A

g. A review of a municipal services pertaining to a subject SOI will be prepared prior to, or in conjunction with, each SOI update (§56430) or substantial amendment unless the Commission determines that a prior service review remains adequate.

Note: The review of Municipal Services has been completed for this update.

h. When determining which local agency should provide services, considerable weight will be given to an agency's ability and willingness to provide services. When more than one agency can serve an area, LAFCO shall also consider the conclusion of service reviews, each agency's service capacity, financial capabilities and costs to provide service. Social and economic interdependencies, topographic, historic and environmental factors, input from affected communities and agencies, and pertinent LAFCO policies shall also be considered (§56668, §56430).

Note: This has been completed as part of the MSR/Sphere Options process.

i. LAFCO shall prioritize pending or anticipated SOI actions and related services review, and consider preliminary work plans as part of its annual work plan and budget hearing processes, although the Commission may consider SOI proposals whether or not they are reflected in the budget. The Commission may

also initiate related service reviews. The Commission may also need to review or approve final SOI work plans and other processing recommendations.

Note: This policy is not applicable to this update

j. Agencies will be asked to participate in an SOI scoping session and complete SOI/service review questionnaires relating to their services and plans. Agencies will be required to complete and submit questionnaires within 90 days. Failure to respond within 90 days will be regarded as concurrence with Executive Officer recommendations.

Note: This has been completed as part of the MSR/SOI process

k. LAFCO shall hear and consider the SOI, and related service reviews if any, at a noticed public hearing.

Note: A public hearing is scheduled for August 15, 2012.

2. OTHER RELATED POLICIES

a. LAFCO will make every attempt to establish Spheres of Influence acceptable to affected agencies, property owners, and other stakeholders but ultimately, LAFCO is the final determinant of a Sphere of Influence.

i. Inclusion within an agency's sphere of influence does not ensure annexation to that agency.

Note: Establishment of a Sphere Update for Cordua Irrigation District will not ensure any additional annexations.

ii. In order to encourage orderly growth of urban areas, the Commission promotes infill development of incorporated vacant lands located adjacent to already developed areas.

Note: N/A

iii. Developed lands which benefit from municipal services and are contiguous to a city boundary should be annexed to the city that provides service.

Note: N/A

iv. Spheres of influence for cities and districts should respect the long-term preservation and protection of the County's agricultural and open space resources when not in conflict with Policy 4.5.3.

Note: The area proposed for the SOI may be Prime Agricultural land according to LAFCO's definition included in Government Code Section 56064. A SOI update including areas served and agricultural areas, therefore will not result in any impacts upon agricultural lands. In fact, Provision of irrigation water will enhance agricultural productivity.

- v. When an application for a new sphere of influence involves a City, the City and County are required to meet prior to submitting the application to LAFCO, to attempt to reach a mutual agreement regarding the boundaries, development standards, and zoning requirements for the proposed sphere. These agreements are required to carry great weight in any LAFCO decision (§56425).

Note: N/A

3. California Environmental Quality Act:

This action is Exempt from the California Environmental Quality Act pursuant to Section 15320 of the CEQA Guidelines (Class 20) as this Sphere of Influence Update would not result in any change in services provided since the only change occurring would ultimately be the service provider not the service (territory would be removed from the Cordua Irrigation District SOI and placed into the SOI for the BVID, which LAFCo approved in late 2010) And 15061 b(3) whereby this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Since this Sphere of Influence Update is only affirming an existing function (water services) into an existing or slightly amended Sphere of Influence, there is no possibility that this activity may have a significant effect on the environment since the services are already provided and no conditions have changed nor could be changed as a result of establishment of an updated Sphere of Influence.

2. 4. Sphere of Influence Update –Cordua Irrigation District:

Background:

The Cordua Irrigation District (CID) provides retail water delivery for agricultural irrigation.

Existing Bounds and SOI

The boundaries of CID extend from Woodruff Lane and SR 20 in the south to Ramirez Road in the north, and west from the vicinity of Lincoln Road to just west of the Western Pacific Railroad. The District has a boundary area of approximately 18 square miles.

An annexable SOI for CID was adopted in 1988. The SOI is generally consistent with the District boundary, but also includes three parcels outside of the boundary in the east of the District. There have been no amendments to the SOI since its adoption.

Service Area

The District provides service within its bounds and to approximately three parcels (approximately 420 acres) outside of bounds. Of those three parcels, all are within the District's adopted SOI.

The District is not providing service to 266 acres of orchards in the northwest portion of the District, where groundwater is used for micro-irrigation.

4.1 SOI Determinations for Present and Planned Land Use:

The land within the District is largely agricultural with lots of 80 acres. Business activities are farming primarily of rice and secondarily prunes.

Future land uses are not anticipated to change with the County's General Plan update. There are presently no planned or proposed developments within the District's boundaries.

4.2 SOI Determinations for Present and Probable Need for Public Facilities and Services

The District estimated that there were approximately 80 landowners in the District as of 2008. There were 257 residents in the District, according to 2000 Census data and GIS analysis.

There has been no growth or change in service demand within the District in recent years. The area is largely zoned for 80-acre parcels, which limits development. There are no planned or proposed developments within the District's boundaries.

4.3 SOI Determinations for Present Capacity of Public Facilities and Adequacy of Public Service

CID presently has the capacity to serve the entirety of its bounds; although, the District identified an approximately 153-acre area to the south that is receiving irrigation water from drainage ditches and could possibly be better served by HIC.¹ No infrastructure needs or deficiencies were identified.

Services provided by the District appear to be adequate. The District has sufficient revenues to provide for maintenance of the ditches, canal and fish screen. The District is only one of two irrigation districts in the County that performs constituent outreach efforts

4.4 SOI Determinations for Existence of Any Social or Economic Communities of Interest

Communities of interest within the District's bounds include the community of Prairie.

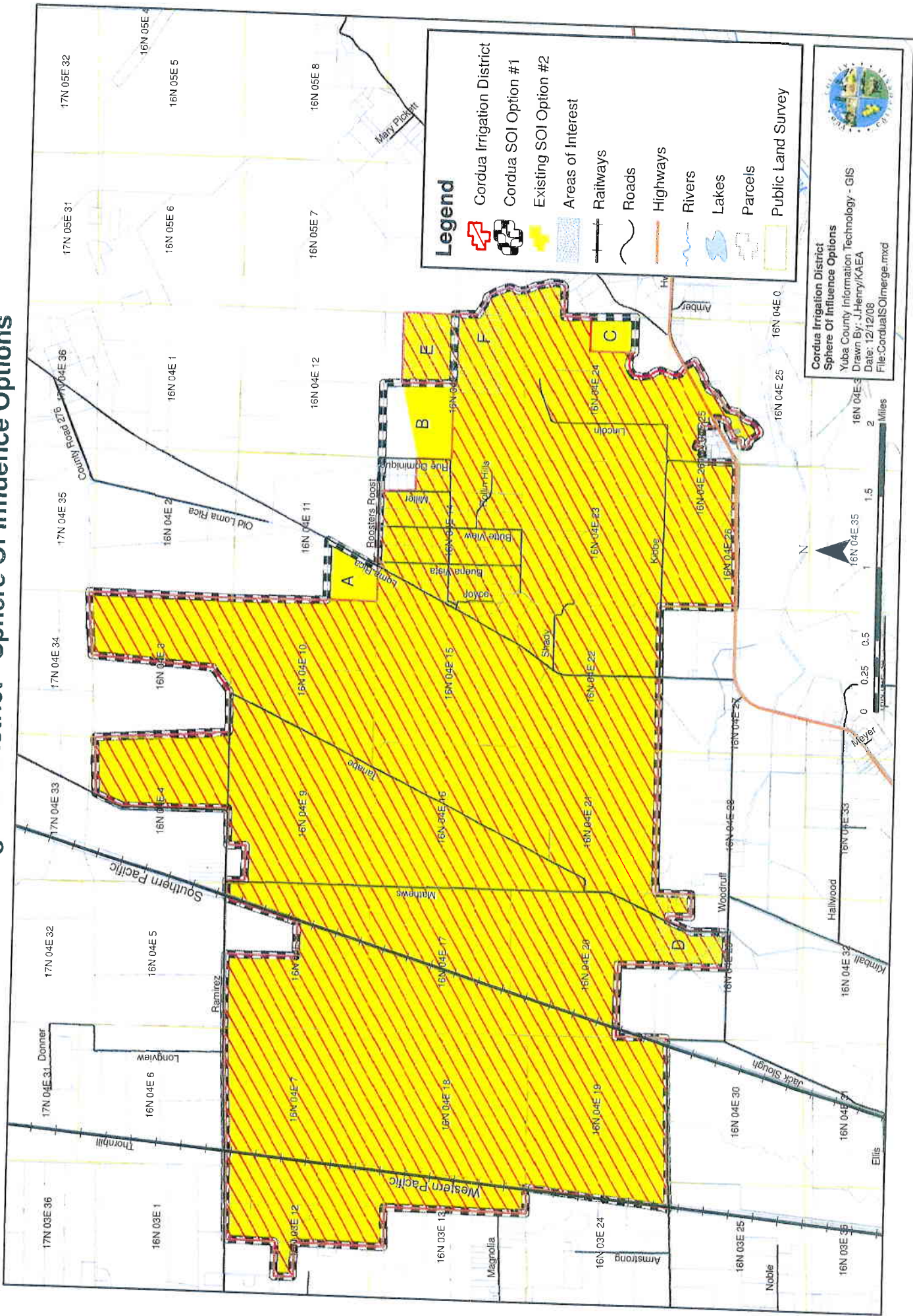
¹ HIC did not express a desire to serve the 153-acre area, so the recommendation is for the SOI to include the affected area.

5. RECOMMENDATION:

It is recommended that LAFCO adopt an SOI for the Cordua Irrigation District, which includes the three areas (areas A, B and C) outside of District bounds that the District is currently serving, and excludes area E which is presently served by BVID (SOI option #1).

Fig. 3-7

Cordua Irrigation District - Sphere Of Influence Options



CORDUA IRRIGATION DISTRICT

The Cordua Irrigation District (CID) provides retail water delivery for agricultural irrigation.

EXISTING BOUNDS AND SOI

The boundaries of CID extend from Woodruff Lane and SR 20 in the south to Ramirez Road in the north, and west from the vicinity of Lincoln Road to just west of the Western Pacific Railroad. The District has a boundary area of approximately 18 square miles.

An annexable SOI for CID was adopted in 1988. The SOI is generally consistent with the District boundary, but also includes three parcels outside of the boundary in the east of the District. There have been no amendments to the SOI since its adoption.

Service Area

The District provides service within its bounds and to approximately three parcels (approximately 420 acres) outside of bounds. Of those three parcels, all are within the District's adopted SOI. The District is not providing service to 266 acres of orchards in the northwest portion of the District, where groundwater is used for micro-irrigation.

Planning Area

CID does not conduct formal planning efforts and has not defined its planning area.

Overlapping Providers

While the District overlaps boundaries with several other service providers, only Browns Valley Irrigation District (BVID) offers duplicate irrigation services within CID's boundaries. The two district's boundaries overlap in four parcels east of Rue Dominique, in the vicinity of the intersection of Loma Rica Road and Roosters Roost, consisting of approximately 310 acres (shown in Figure 3-7 by areas E and F). Presently, only CID is providing services there. Adjacent to this area, the existing SOI for CID overlaps the boundaries of BVID in a 100-acre area that CID is presently serving (area B).

In addition, CID reported that it provides irrigation services outside of its bounds but within its existing SOI to approximately 66 acres in the Hallwood Irrigation Company (HIC) service area located immediately north of the intersection of Spring Valley Road and SR 20 (area C).

AGENCY PROPOSAL

CID did not submit an SOI proposal for LAFCO's consideration; however, the District identified an approximately 153-acre area to the south within CID's bounds (area D) that is receiving recycled irrigation water from drainage ditches and could possibly be better served by HIC. HIC indicated that it is not presently interested in serving this area.

SOI OPTIONS

Two SOI options were identified for CID.

Option #1: SOI Expansion – Existing SOI and Out of District Service Areas

This SOI option would include the District's bounds and any areas currently being served outside of the District's bounds, as shown by areas A, B, and C. The SOI would also include the 153 acres inside CID's bounds that are being served recycled drainage water but may be able to receive fresh surface water from HIC (area D). The SOI option excludes a portion of the District's bounds which are presently served by BVID (area E). Such an SOI update would signify that LAFCO anticipates the eventual detachment of area E from CID, and the eventual detachment of area F from BVID, and the eventual annexation of areas A, B and C to CID.

Option #2: Retain Existing SOI

Retaining the existing SOI would signify that LAFCO does not anticipate any annexations or detachments from CID in the foreseeable future.

SOI ANALYSIS

Area A is within CID's existing SOI and outside of an irrigation provider's boundaries. CID's distribution canal flows just south of the parcel, and the District appears to be the optimal provider to the parcel. Areas B and F are within the District's existing SOI, but also inside BVID's boundaries. CID's canal also flows adjacent to the parcels in question, and BVID recognized that CID would be better positioned to serve the area. CID and BVID bounds overlap in area E, which is presently served by BVID. BVID was identified as the optimal service provider to this area, because a ditch running along the southern border of the parcel prevents CID from serving it.

Area C is presently served by CID, but lies within HIC's service area. HIC indicated that CID should continue service to the area. CID identified area D as possibly better served by HIC, however, HIC indicated that it is not presently interested in serving this area.²³

As the District provides only irrigation services, and is presently providing services to the areas in question, both options are not considered growth-inducing. Both options appear to be exempt from CEQA, and could be processed as SOI updates.

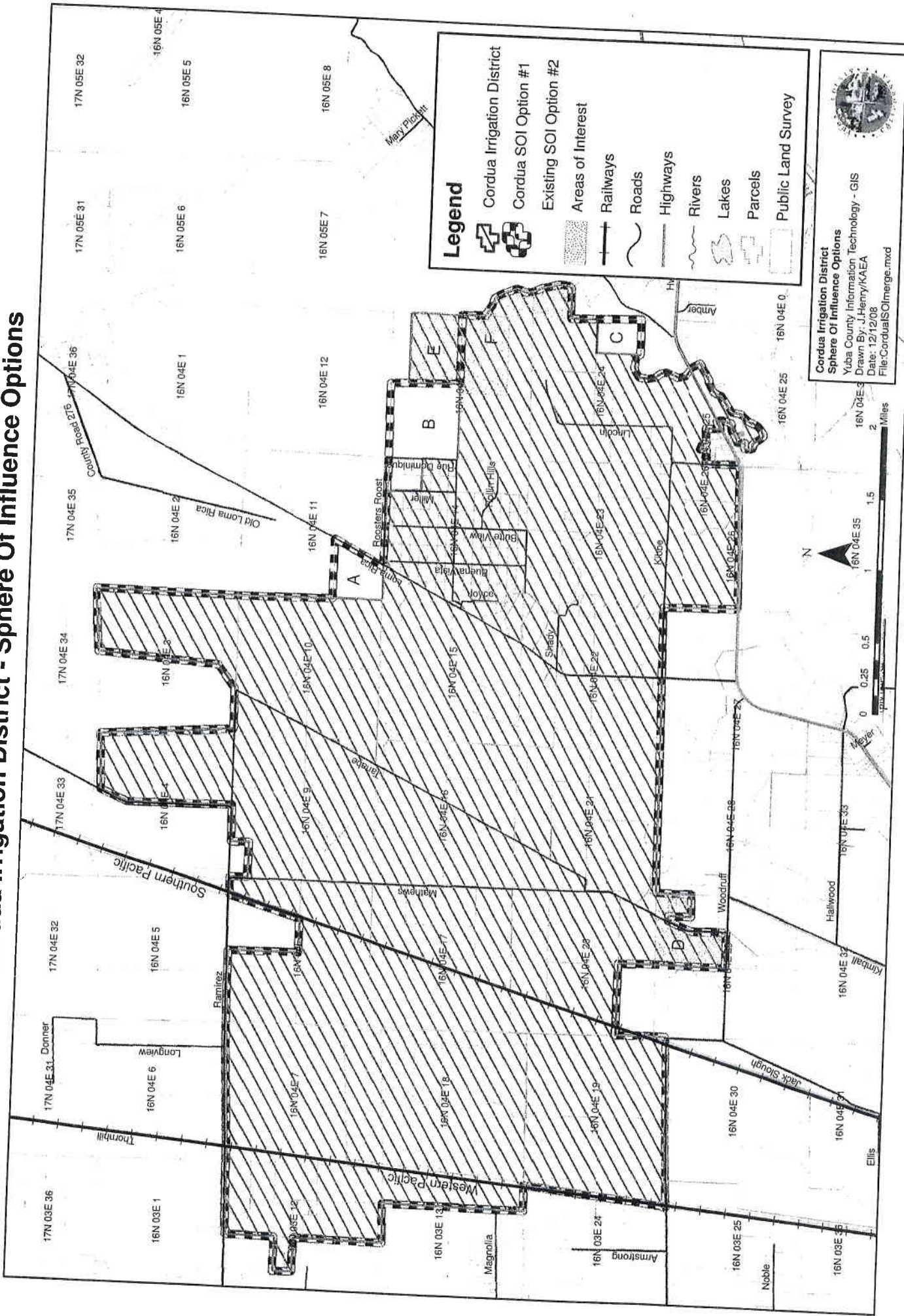
Recommendation

It is recommended that LAFCO adopt an SOI for CID which includes the three areas (areas A, B and C) outside of District bounds that the District is currently serving, and excludes area E which is presently served by BVID (SOI option #1).

²³ HIC is not under the jurisdiction of LAFCO. HIC may be compelled to provide service to areas that it is not currently serving through contract terms with YCWA; however, HIC indicated that it is not interested in serving area D at this time, which is within CID's boundaries.

Fig. 3-7

Cordua Irrigation District - Sphere Of Influence Options



DRAFT SOI DETERMINATIONS

Present and Planned Land Uses

The land within the District is largely agricultural with lots of 80 acres. Business activities are farming primarily of rice and secondarily prunes.

Future land uses are not anticipated to change with the County's General Plan update. There are presently no planned or proposed developments within the District's boundaries.

Present and Probable Need for Public Facilities and Services

The District estimated that there were approximately 80 landowners in the District as of 2008. There were 257 residents in the District, according to 2000 Census data and GIS analysis.

There has been no growth or change in service demand within the District in recent years. The area is largely zoned for 80-acre parcels, which limits development. There are no planned or proposed developments within the District's boundaries.

Present Capacity of Public Facilities and Adequacy of Public Service

CID presently has the capacity to serve the entirety of its bounds; although, the District identified an approximately 153-acre area to the south that is receiving irrigation water from drainage ditches and could possibly be better served by HIC.²⁴ No infrastructure needs or deficiencies were identified.

Services provided by the District appear to be adequate. The District has sufficient revenues to provide for maintenance of the ditches, canal and fish screen. The District is only one of two irrigation districts in the County that performs constituent outreach efforts.

Existence of Any Social or Economic Communities of Interest

Communities of interest within the District's bounds include the community of Prairie.

²⁴ HIC did not express a desire to serve the 153-acre area, so the recommendation is for the SOI to include the affected area.

**BEFORE THE YUBA LOCAL AGENCY FORMATION
IN THE COUNTY OF YUBA
STATE OF CALIFORNIA**

IN RE:

**A RESOLUTION UPDATING THE)
SPHERE OF INFLUENCE)
FOR THE CORDUA IRRIGATION DISTRICT)
YUBA COUNTY, CALIFORNIA)
LAFCO No. 2011-0005)**

RESOLUTION NO. 2012-

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

WHEREAS, the Yuba Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the Cordua Irrigation District; and

WHEREAS, the Commission has set the hearing date of August 15, 2012, for the update of the sphere of influence for the Cordua Irrigation District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, *et seq.*; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of services provided by the Cordua Irrigation District in accordance with Gov. Code section 56430; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence update report and the proposed Sphere of Influence Update Maps, which are attached hereto and incorporated herein; and

WHEREAS, Yuba LAFCO prepared and a notice of exemption for such action since no change in service levels are contemplated and are not considered to be growth inducing by removing territory from the Cordua Irrigation District Sphere and likewise moving territory into the Browns Valley Irrigation District which would be better served by that district; 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, *et seq.*, and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

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

1. That the proposed sphere of influence update with respect to the Cordua Irrigation District complies with the provisions of Government Code Section 56000, *et seq.*
2. That no significant protests have been received regarding the establishment of this Sphere of Influence update.

3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study are attached hereto and incorporated herein.

4. The Commission has reviewed and adopts a Notice of Exemption prepared for this Sphere of Influence update and makes a specific finding that there is no substantial evidence in light of the whole record before Yuba Local Agency Formation Commission that this Sphere Update for the Cordua Irrigation District may have a significant adverse effect on the environment since the only change to the SOI would ultimately be the service provider, not the service.

5. Pursuant to Government Code Section 56425 (i) the Cordua Irrigation District may provide agricultural irrigation water services as stated in the Irrigation District Law shall be considered latent powers and LAFCO approval shall be required.

6. That the Sphere of Influence Update Report, Notice of Exemption for this Sphere of Influence Update, Executive Officer's Report, and Map for the Cordua Irrigation District updated Sphere are hereby adopted and approved as set forth in Attachment "A".

PASSED AND ADOPTED at a special meeting of the Yuba Local Agency Formation Commission, County of Yuba, State of California, on the 15th day of August 15, 2012 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

ATTEST: JOHN BENOIT
EXECUTIVE OFFICER

MARY JANE GRIEGO, CHAIR
YUBA LOCAL AGENCY
FORMATION COMMISSION

APPROVED AS TO FORM:

MICHAEL COLANTUONO
LAFCO COUNSEL

NOTICE OF EXEMPTION

TO: County Clerk
County of Yuba
915 8th Street
Marysville, CA 95901

FROM: LAFCO of Yuba County
526 C Street
Marysville, CA 95901

PROJECT TITLE: Sphere of Influence Update: *Cordua Irrigation District*

PROJECT LOCATION: Yuba County

DESCRIPTION OF PROJECT:

The proposed project involves the determination of Sphere of Influence for Cordua Irrigation District in Yuba County

NAME OF PUBLIC AGENCY APPROVING PROJECT:

Yuba Local Agency Formation Commission

NAME OF PERSON OR AGENCY CARRYING OUT THE PROJECT:

Yuba Local Agency Formation Commission

EXEMPT STATUS:

Class 20 Categorical Exemption, "Changes in Organization of Local Agencies," CEQA Guidelines Section 15320, Changes in Organization of Local Agencies and 15061b (3) General Rule Exemption.

REASONS WHY THIS PROJECT IS EXEMPT:

This action is Exempt from the California Environmental Quality Act pursuant to Section 15320 of the CEQA Guidelines (Class 20) as the Sphere of Influence Update would not result in any change in services since the these district already serve respective Spheres of Influence territory and 15061 b (3) whereby this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Since this Sphere of Influence Update is only affirming an existing function (irrigation services) into an existing or slightly amended Sphere of Influence, there is no possibility that this activity may have a significant effect on the environment since the services are already provided and no conditions have changed nor could be changed as a result of establishment of updated Spheres of Influence.

CONTACT PERSON:
John Benoit
LAFCO Executive Officer

TELEPHONE NUMBER:
(530) 749-5467

By: _____

Date: August 15, 2012