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 Olivehurst Public Utility District and adopted a Sphere of Influence update for water, wastewater and Parks and Recreation on March 7th, 2012 (Resolution 2012-01); and

WHEREAS, the Commission has set the hearing dates of December 11, 2019 and January 8, 2020, for an amendment to include 257 additional acres in the sphere of influence for the Olivehurst Public Utility 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 previously heard and adopted a Municipal Services Review of services provided by the Olivehurst Public Utility District in accordance with Gov. Code section 56430; and

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

WHEREAS, OPUD has prepared background information in support of responsible agency findings for the 3,022 acre annexation and the 257-acre Sphere of Influence amendment; 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, et seq., and has heard from interested parties and considered requests for amendment and/or revision of the proposed amended sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Yuba Local Agency Formation Commission does hereby find and determine as follows:
received regarding this sphere of influence amendment.

3. That, pursuant to Government Code Section §56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Amendment Study included in the Executive Officer’s report dated November 4th, 2019 attached hereto and incorporated herein.

4. The Commission has independently reviewed the environment documents provided by OPUD including OPUD’s background information in support of responsible agency findings for the sphere of influence amendment and annexation and the hereby affirms and agrees with the following environmental findings made by the Olivehurst Public Utility District:

OPUD’s Board of Directors hereby makes the following environmental determinations:

1. On June 7, 2011, Yuba County adopted the Yuba County 2030 General Plan to guide future urban and rural development in unincorporated areas of the County, including the provision of utilities necessary to serve planned urban and rural uses.

2. Yuba County, as the CEQA lead agency for the approval and implementation of the 2030 General Plan, prepared and certified an Environmental Impact Report (EIR) for the 2030 General Plan evaluating the direct and indirect environmental effects of constructing and operating future development, including the provision of public utilities and recreation services, throughout unincorporated Yuba County.

3. In certifying the 2030 General Plan EIR, Yuba County made Findings of Fact, as required by CEQA, including those related to the significance of impacts, the appropriateness and effectiveness of mitigation measures, the feasibility and effectiveness of alternatives to the 2030 General Plan, and statements of overriding considerations regarding significant impacts. Yuba County also adopted a Mitigation Monitoring and Reporting Program.

4. OPUD finds that the proposed Sphere of Influence and Annexation project is consistent with the land use designations, goals, and policies of the Yuba County 2030 General Plan as assessed in the General Plan EIR and that all parcels included in the proposed project are designated for urban or agricultural supporting uses.

5. As a Responsible Agency under CEQA, OPUD has independently reviewed and considered the Final EIR for the Yuba County 2030 General Plan, which includes an analysis applicable to this provision of public utility and recreation services. The Final EIR consists of the following:

a. The Draft EIR prepared by Yuba County as Lead Agency.

b. Comments and recommendations received on the Yuba County Draft EIR.
c. The responses of the Lead Agency to significant environmental points that arose both during and after the review and consultation process.

d. A Mitigation Monitoring Reporting Plan.

6. OPUD 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.

7. OPUD makes a specific finding that there are no grounds that require OPUD 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 EIR for its General Plan and adopted Resolution 2011-0046 on June 7, 2011. OPUD is proposing to expand its service area from that considered in the County’s EIR, but those changes do not constitute substantial changes in the project which will require major revisions of the previous EIR 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. OPUD seeks to provide future water, wastewater, and recreation services as required for future urban and rural development to 52 parcels comprising 3022 acres within and adjacent to OPUD’s Sphere of Influence (SOI) consistent with the goals and policies of the Yuba County 2030 General Plan. 257 acres of the 3022 are NOT in OPUD’s current SOI and will require a minor amendment to OPUD’s SOI, which amendment is presently being processed by Yuba County LAFCO.

b. OPUD finds that the area proposed for OPUD public utility and recreation services is within an area identified by the 2030 General Plan for urban and rural agricultural support uses whose environmental effects were evaluated in the General Plan EIR.

c. OPUD finds that in identifying an expanded area in which OPUD may provide public utility and recreation services, the future need for such services is subject to the ultimate and sole land use authority of Yuba County, and that no services are being offered at this time, nor are any facilities being constructed to serve the expanded OPUD service area.

8. OPUD hereby affirms in accordance with CEQA Guidelines Section 15090 the County’s adopted certified EIR as well as its adopted findings for this Sphere of Influence Amendment and Annexation in order to provide utility and recreation services to the Industrial, Sports and Entertainment Zone.

9. In accordance with CEQA Guidelines Section 15090, the Final EIR reflects the Lead Agency’s independent judgment and analysis.

10. OPUD has independently considered and hereby adopts the Yuba County’s environmental findings required by State CEQA Guidelines
Section 15091 and Statement of Overriding Considerations required by Section §15093, which are incorporated by reference hereto as its own in approving the Sphere of Influence Amendment and Annexation.

5. Pursuant to Government Code Section §56425 (i) the Olivehurst Public Utility District is authorized provide domestic water, wastewater, Drainage, lighting, Parks and Recreation district services as stated in the California Public Utility District Law.

6. Prior to the approval of any county entitlement for urban development within the annexation territory located within the boundaries Brophy Water District, a change of organization approving the detachment from the Brophy Water District shall be required. Prior to recordation of a certificate of completion by LAFCo for this annexation, OPUD shall pass a resolution and provide a copy to both the County and LAFCo ensuring the territory will be detached and an application be filed and approved by the Yuba Local Agency Formation Commission. Provisions for groundwater recharge after an agricultural water district detachment shall also be considered by OPUD and the County.

7. Prior to recordation of a certificate of completion by LAFCo for this annexation OPUD shall enter into an agreement with Yuba County to ensure preservation of prime farmland defined in LAFCo’s definition in Gov. Code §56064. A copy of the agreement shall be provided to LAFCo. A dedication ratio of 1-acre converted to 1-acre dedication of a permanent easement within Yuba County having soils of equal productive value, or higher, through permanent agricultural easements, purchase of development rights or donation of mitigation fees to an agricultural land trust or a conservancy shall be required. Evidence of said farmland preservation shall be made prior to issuance of any entitlement within the annexation territory.

8. That the Sphere of Influence Amendment Report included in the Executive Officer’s report, Environmental Documentation for this Sphere of Influence Amendment and the Sphere of Influence Map for the 257-acre amended Sphere are hereby adopted and approved as set forth in Attachment “A”.

PASSED AND ADOPTED at a regular meeting of the Yuba Local Agency Formation Commission, County of Yuba, State of California, on the 8th day of January 2020 by the following vote:

AYES:
NOES:

ABSTAINS:

ABSENT:

___________________________
Andy Vasquez, CHAIR
YUBA LOCAL AGENCY
FORMATION COMMISSION

ATTEST: JOHN BENOIT
EXECUTIVE OFFICER

__________________________
APPROVED AS TO FORM:

__________________________
DAVID RUDERMAN
LAFCO COUNSEL