YUBA LOCAL AGENCY COMMISSION

EXECUTIVE OFFICER'S REPORT

MEETING DATE: December 11, 2019, 6:00 PM

TO: Yuba Local Agency Formation Commission

FROM: John Benoit, Executive Officer

SUBJECT: LAFCO #2019-0002, OPUD Sphere Amendment and and Annexation to the District's Boundaries

Attachments:

1. Proposed LAFCo Resolution approving a Sphere of Influence Amendment for OPUD
2. Proposed LAFCO Resolution making Determinations and Approving the Annexation to OPUD for Water, Wastewater and Parks and Recreation
3. Statement of Justification
4. Background Information in Support of Responsible Agency Findings –OPUD Sphere of Influence Amendment and Annexation
5. OPUD Initiating Resolution NO 2347 and Plan for Services
7. Note: The Yuba County General Plan, Zoning, and Draft and Final EIRs are located on the Yuba LAFCo Website at www.yubalafco.org

1. Summary:

A request for a Sphere of Influence Amendment including 257 acres more or less and the annexation of approximately 3,022.27 acres more or less of territory that will benefit from having wastewater, domestic water and parks services generally located southeast of the existing district boundary south and west of the Union Pacific Railroad, east of Forty Mile Road, and north of the Johnson Rancho Boundary. The Sphere of Influence amendment/annexation area is located east of the southern portion of the existing OPUD boundary.

2. Background

OPUD was formed on November 13, 1948 as an independent special district.¹ The District was formed to provide domestic water and fire protection services to the community of Olivehurst. It has since added wastewater, park, drainage and street lighting services.

The principal act that governs the District is the Public Utility District Act.² The principal act allows districts to acquire, construct, own, operate, control, or use works for supplying light,
water, power, heat, transportation, telephone service, or other means of communication, or means for the disposal of garbage, sewage, or refuse matter. In addition, any such district may acquire, construct, own, complete, use, and operate a fire department, street lighting system, public parks and other recreation facilities, and provide for the drainage of roads, streets, and public places. Districts must apply and obtain LAFCO approval to exercise latent powers or, in other words, those services authorized by the principal act but not provided by the district at the end of 2000.

The District's boundary is entirely within Yuba County, and is made up of two noncontiguous areas. The northernmost noncontiguous area encompasses the Yuba County Airport in the northwest, the community of Olivehurst in the center and east, and areas along Plumas Arboga Road and south of Broadway Road in the southwest. OPUD provides fire service to the majority of this area. There is an approximately 30-acre area of overlap between OPUD and Linda Fire Protection District (LFPD) where both are providing fire service to a property owned by Caltrans, north of Furneaux Road.

The second noncontiguous boundary area is located south of Broadway Road in Arboga and into the Plumas Lake area, just north of the Yuba-Sutter county line. Fire service in this area is provided by LFPD, with OPUD providing other services. The District has a boundary area of nine square miles.

The 1985 SOI adoption for OPUD created two distinct sphere areas for the District. In areas of overlap between OPUD and LFPD and PBFPD, LAFCO limits OPUD's services to "recreation, lighting, domestic water and sewer services only." The limited SOI is located in select areas north of the District, in a rectangular-shaped area east of the District, south of McGowan Parkway in the Olivehurst area, along and adjacent to the Rancho Road-SR 65 corridor, in the Arboga area to the Yuba-Sutter county line in the west, and south of Plumas Arboga Road into the community of Plumas Lake. OPUD is authorized to provide fire service to an SOI area that consists of the community of Olivehurst, the Yuba County Airport and Industrial Park, and to select areas northeast of SR 70. There is one area where the bounds extend beyond the sphere, consisting of two parcels north of Furneaux Road.

The OPUD boundary is made up of two noncontiguous areas. The northernmost noncontiguous area encompasses the Yuba County Airport in the northwest, the community of Olivehurst in the center and east, and areas along Plumas Arboga Road and south of Broadway Road in the southwest. The second noncontiguous boundary area is located south of Broadway Road in Arboga and into the Plumas Lake area, just north of the Yuba-Sutter county line. The District has a boundary area of nine square miles.

The existing SOI for OPUD contains two distinct sphere areas for the District: a limited-service SOI and an all-services (including fire) SOI. LAFCO limits OPUD's services to "recreation, lighting, domestic water and sewer services only" generally in areas of overlap.

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2 Public Utilities Code §15501-17501.
3 Public Utilities Code §16461.
4 Public Utilities Code §16465.
5 Government Code §56824.10.
between OPUD and Linda Fire Protection District (LFPD) or Plumas Brophy Fire Protection District (PBFPD). The limited service SOI is located in select areas north of the District, in a rectangular-shaped area east of the District, south of McGowan Parkway in the Olivehurst area, along and adjacent to the Rancho Road-SR 65 corridor, in the Arboga area to the Yuba-Sutter county line in the west, and south of Plumas Arboga Road into the community of Plumas Lake.

It is anticipated agricultural lands will be converted as a result of development. The CKH Act recognizes agricultural lands will be converted to non-agricultural uses. The Current General Plan designates this area as Employment and Natural Resource. Current Zoning in the annexation area is Light Industrial, Industrial Commercial, Employment Center, Sports and Entertainment and Public Facilities. This zoning and General Plan allow for agricultural related industry, which could require domestic water and wastewater services and other services provided by OPUD.

A significant portion of the proposed annexation area overlaps with the South Yuba Water District and Brophy Water District boundaries. These Districts have a voting structure that allows owners of title to have one vote for each dollar's worths of land to which he or she holds title. Including urban uses within agricultural irrigation districts is incompatible with the operation of an agricultural irrigation district such as the Brophy Water or South Yuba Water Districts since the agricultural affairs of the districts can be outvoted by much higher valued urban interests.

The South Yuba Water District was formed in 1979 as a California Water District. This district provides irrigation water within its boundaries which provides services to 90% of the 10,223-acres within its boundaries. This district is not authorized to provide domestic water services. OPUD is a domestic water service provider and is not authorized to provide irrigation water within its boundaries. Since these districts provide different services there is no service overlap. However, urban development within an irrigation district does not make sense for several reasons (including the voting power mentioned above) and as development occurs, the annexation area within the bounds of the South Yuba Water District must be detached from that district.

The Brophy Water District was formed in January 1965 as a California Water District. The area within the District's bounds is largely agricultural. Business activity in the District includes farming of rice, prunes, peaches, walnuts and corn. The District considers its customer base to be the farmers that own the approximately 10,000 acres of irrigated land within the District.

There were 1,049 residents in the District, according to 2000 Census data and GIS analysis. The District's population density is 39 per square mile, compared with the countywide density of 114.

The following shall be incorporated into the terms and conditions for this annexation:

1. Prior to the approval of any county entitlement for urban development within the annexation territory located within the boundaries South Yuba Water District or Brophy

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8 Interview with William Baggett and Donald Staas, Directors, Brophy Water District, March 15, 2007.
Water District, a change of organization approving the detachment from either the South Yuba Water District or 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.

2. 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.

3. Proposal and Justification:

The inclusion of territory within the district will allow the district to provide wastewater, water and parks and recreation infrastructure, which is planned for commercial development in an area known as the Sports and Entertainment zone. (See Attachment 3, statement of justification)

4. Location:

The territory to be annexed is generally located southeast of the existing district boundary south and west of the Union Pacific Railroad, east of Forty Mile Road, and north of the Johnson Rancho Boundary. The Sphere of Influence amendment/annexation area is located east of the southern portion of the existing OPUD boundary.

5. Purpose:

The proposed annexation territory is planned and zoned for commercial growth but lacks the utility infrastructure to support such growth. Once annexed and after infrastructure is in place OPUD will have the ability to serve the area with water and wastewater.

Accepted for filing: October 15, 2019
Publication and Posting: October 15, 2019

Compliance with CEQA:

Lead Agency: County of Yuba
Responsible Agency: OPUD and Yuba LAFCo
Environmental Finding: No further Environmental Review is required, OPUD has provided
Background information in Support of Responsible Agency Findings (see Attachment #4
Background Information in Support of Responsible Agency Findings —OPUD Sphere of
Influence Amendment and Annexation) and #6 located on the Yuba LAFCo website including the Adopted Yuba County General Plan, Zoning and Draft and Final General Plan EIRs

Date of Finding: Aug 15, 2019

6. **Compliance with applicable Plans:**

This reorganization complies with the land uses and policies stated in the Yuba General Plan.

7. **Compliance with the Sphere of Influence:**

With the exception of 257-acres, the proposed annexation located within the adopted Sphere of Influence for OPUD, as updated in 2012. A Sphere of Influence amendment is needed to include the 257-acres within the Sphere of Influence for OPUD.

8. **Existing Land Use and Zoning:**

**LAND USE DESIGNATION:** Employment and Employment Village

**ZONING:** Industrial, Commercial, Sport, Entertainment, Employment Center and Light Industrial

**DWELLINGS:** 38

**POPULATION:** 60

**REGISTERED VOTERS:** 12 (inhabited 12 or more registered voters)

**LANDOWNERS:** 54 ASSESSOR’S PARCELS

**NOTICES MAILED:** 187 NOTICES MAILED

9. **Existing General Plan and Zoning for surrounding territory:**

North: Natural Resources, Residential, Agricultural

East: Natural Resources, Exclusive Agriculture

South: Natural Resources-Agricultural Industrial

West: Natural Resources - Exclusive Agricultural

Zoning and General Plan: Agriculture, Residential, Open Space and Urban

10. **Proposed development:** No proposed development at this time

11. **Fiscal data:**
Master Tax Sharing Agreement: No share of the property tax revenue including base tax revenue and annual tax increment belonging to the County or any taxing agency within the subject territory shall be changed per Yuba County Board of Supervisor's Master Tax Exchange Resolution 2004-157 adopted on October 26, 2004

School District: Plumas Lake Elementary School District
Fire Protection: Wheatland Fire Authority (Plumas Brophy)
General Government: Yuba County
Police Protection: Yuba County Sheriff
Off-site Drainage: Yuba County
Water and Wastewater: Well and Septic
Street Lighting: Yuba County
Road and Landscaping Maint: Yuba County
On-site Drainage: Yuba County

12. Proposed service agencies:

School District: Plumas Lake Elementary School District
Fire Protection: Wheatland Fire Authority (Plumas Brophy)
General Government: Yuba County
Police Protection: Yuba County Sheriff
Off-site Drainage: Yuba County
Water and Wastewater: OPUD
Street Lighting: Yuba County
Road and Landscaping Maint: Yuba County
On-site Drainage: Yuba County

13. CRITERIA FOR REVIEW OF SPHERE OF INFLUENCE AMENDMENTS

A component of this annexation is a Sphere of Influence amendment is required to include the 257-acre territory into the Sphere of Influence for OPUD

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.

e. A fifth determination relating to Disadvantaged Unincorporated Communities is required for those Sphere amendments involving Domestic Water, Wastewater and Fire protection. This application is for a district that provides these services applies to this application.

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: OPUD appears to have the ability to provide services to the 257-acre territory once funding is secured and construction of water and wastewater infrastructure is completed.

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 257-acre Sphere Amendment Area is in a Natural Resource General Plan Designation. Yuba County General plan policies support agricultural related businesses such as processing facilities, agro tourism, boutique farming and related agricultural uses in this designation

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: Water, Wastewater services may be allowed in this Sphere Amendment Area provided they are agricultural related businesses.

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

Note: The amended SOI area will allow the District to provide water and wastewater services in the territory. OPUD is the only agency authorized to provide these services in this location as it provides elsewhere in its boundaries.

a. 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

b. 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

c. 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.

d. 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 (§56688, §56430).

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

e. 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 proposal

f. 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

g. 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 December 11, 2019

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 Amendment for OPUD 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: N/A*

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*

**Sphere of Influence Policies**

In addition to State requirements for SOIs, Yuba LAFCO has adopted policies regarding Spheres of Influence in the County and minimum requirements necessary in order to update or adopt an agency's SOI. Highlighted requirements are summarized as follows:

**General Policies**

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.

OPUD has determined this amendment is necessary to include the entire areas within the Sports and Entertainment Zone and the Employment Village area to be provided access to Water, Wastewater and Park and Recreation infrastructure.

2. Discourage duplication of services by local governmental agencies;

There is no duplication of water, wastewater or Park and Recreation services in this area.

3. Guide the Commission's consideration of individual proposals for changes of organization;

Being in the OPUD SOI will assist the Commission with future changes of organization in the area.
4. Identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations;

Inclusion in the SOI is based on the need for services to be provided in the Sports and Entertainment Zone and Employment Village Areas of Yuba County.

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).

N/A

4.4(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.

N/A

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).

N/A

4.4 (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.

A service review has previously been prepared as well as Sphere of Influence update.

4.4 (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).

OPUD is willing and able to provide water, wastewater and park and recreation services on an as needed basis in the proposed Sphere Amendment Area.

The territory proposed to be included in the OPUD Sphere of Influence is located within the Brophy Water District Boundary and is zoned Public Facilities District (County Ordinance No. 1556 (June 28, 2016) and is designated Natural Resources (allows agricultural industry) with a Planning Reserve overlay. The Brophy Water District provides agricultural irrigation water within the area. This proposal is to provide drinking (domestic) water to the area. It is recommended if this area is to be placed into the Sphere of Influence for OPUD then it should be detached from the Brophy Water District when there is a need for urban water such as prior to any OPUD water connections in the area or prior to approval of any county entitlements. A suggested mitigation measure for prime agricultural land conversion within the territory is as follows:
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.

A suggested mitigation measure for mandatory detachments within this annexation territory is as follows:

Prior to the approval of any county entitlement for urban development within the annexation territory located within the boundaries South Yuba Water District or Brophy Water District, a change of organization approving the detachment from either the South Yuba Water District or 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.

4.4 (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.

N/A

4.4 (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.

N/A

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

This hearing is noticed

14. SOI Determinations

Present and Planned Land Uses

The District bounds encompass single family and multi-family residential areas and commercial areas, as well as some agricultural areas with lots of 40 acres and greater. The District
encompasses the Plumas Lake Specific Plan Area (PLSP) area. Local business activities include construction, auto sales, storage, restaurants, retail, food processing, and the Plumas Lake Golf and Country Club.

The land within the current SOI is the community of Olivehurst consisting of single and multi-family residences and commercial uses, which is primarily single family residential with minimal multi-family residences.

Presently, there are several planned developments within the District's boundaries. These developments are concentrated in the PLSP.

**Present and Probable Need for Public Facilities and Services**

There were 10,271 residents in the District in 2000, according to 2000 Census data and GIS analysis. The District has experienced significant growth and urban development since the 2000 Census; the District's 2007 population was approximately 12,259.⁹ Today the population of OPUD is 19,506.

Further growth is anticipated within the District in the coming years as planned developments begin and continue construction within the Plumas Lake Specific Plan (PLSP) and North Arboga Study Areas (NASA). Future developments within the District bounds and SOI encompass over 5,000 acres (including 73 acres of non-residential), with over 16,000 planned and proposed dwelling units. Build-out of the residential development projects located within the recommended SOI planning area would add additional dwelling units and non-residential development.

**Present Capacity of Public Facilities and Adequacy of Public Service**

OPUD provides retail water services to customers in the form of groundwater pumping, treatment, water quality testing, conveyance, storage, and delivery. These services are provided through two separate pumping and distribution systems in Plumas Lake and old Olivehurst. The District served a total of 7,000 connections. The total maximum well pumping capacity of both systems is 27,570 gpm, 16,370 gpm in Olivehurst and 11,200 gpm in Plumas Lake. The Department of Public Health (DPH) reported that source capacity is not a concern in the Plumas Lake area, as maximum daily demand in 2005 used only 60 percent of the system's capacity and an additional redundant source well and treatment plant, well 34 was added in 2009.

The District provides wastewater collection, treatment, and disposal services to 7,000 connections. The District owns and operates a wastewater treatment plant and inspects, cleans and repairs sewer collection infrastructure in the service area such as pipes, manholes and lift stations. The OPUD wastewater treatment plant (WWTP) currently has a permitted capacity of 3.0 mgd average dry weather flow (ADWF) and is permitted to expand to 5.0 mgd average dry weather flow (ADWF). The WWTP site can accommodate further expansion up to 8.0 mgd, without the acquisition of additional land and due to technological advances in the wastewater industry the site's ability, based on footprint, to accept higher ADWF is constantly expanding. Projected demand within the District's SOI at build-out of the Plumas Lake Specific Plan, North Arboga Study Area, in addition to Olivehurst existing demand, is approximately 7.1 to 8.85 mgd ADWF, which is within the current site's footprint constraints.

The District's financial ability to provide services is constrained by available revenues and legal limitations on revenue increases; however, OPUD has managed to provide adequate service levels within these resource constraints. The District reported that the current level of financing is

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adequate to deliver services “based on anticipated cash flows and scheduled rate increases for the next ten years.”

Existence of Any Social or Economic Communities of Interest

Within the existing boundary and SOI area, the primary communities of interest are the communities of Olivehurst and Plumas Lake. Within the SOI expansion area, communities of interest include the South Yuba Water District and Brophy Water District boundary areas, including the proposed residential development of the Magnolia Ranch Specific Plan. Other economic communities of interest include the non-residential developments of the Research and Development Park, the Sports and Entertainment Zone and the Rancho Road Industrial and Commercial Park, along SR 65.

1. Existing land uses within OPUD bounds are primarily urban residential and commercial areas. Residential zoning is concentrated in the Olivehurst and Plumas Lake areas, and ranges from low density single family residential to high density multi-family residential. Other land uses located within OPUD bounds are highway and community commercial areas, parks, and other public uses.

2. Residential development proposals in the recommended SOI planning area include the Magnolia Ranch Specific Plan.

Disadvantaged Unincorporated Communities

A determination regarding Disadvantaged Unincorporated Communities is required for Sphere amendments involving Domestic Water, Wastewater and Fire protection. This sphere of influence amendment is for Domestic Water, Wastewater and Recreation Services.

There are no Disadvantaged Unincorporated communities within or coterminous to this proposal that do not currently receive the requested services.

15. REORGANIZATION POLICY ANALYSIS:

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.

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10 OPUD, Memorandum from Glen P. Phillips, Office Manager, 3/26/08.
(b) The 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 Section 65080, and consistency with city or county general and specific plans.

(h) The proposal's 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 or other public 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 landowner or landowners, voters or residents of the affected territory.

(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, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a 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 this reorganization of properties to and from OPUD as follows:

(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.

The population growth expected in Yuba County in the next few decades is shown below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Projected Population</th>
<th>Percent Increase</th>
<th>Number Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>60,553</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>71,506</td>
<td>18%</td>
<td>10,953</td>
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<tr>
<td>2020</td>
<td>84,816</td>
<td>19%</td>
<td>13,310</td>
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<tr>
<td>2030</td>
<td>98,959</td>
<td>17%</td>
<td>14,143</td>
</tr>
<tr>
<td>2040</td>
<td>112,097</td>
<td>13%</td>
<td>13,138</td>
</tr>
<tr>
<td>2050</td>
<td>125,650</td>
<td>12%</td>
<td>13,553</td>
</tr>
</tbody>
</table>

Great Valley Center, www.greatvalley.org

Since this area is currently in both agricultural and urban use, and portions of which are in the proposed OPUD sphere will not receive agricultural water. Based on the County General Plan and Zoning there should be no impacts upon population growth in this area in Yuba County.

(b) The 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.
There should be no impact upon district services provided the landowners are willing to pay for water and wastewater infrastructure or approve a special tax or assessment in territory included in this annexation.

(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.**

There should be no significant impacts upon adjacent areas since the services provided are already being provided to adjacent parcels based on need. Territory within agricultural irrigation districts (South Yuba and Brophy Water Districts) should remain in those districts until prior to any development entitlements including conditional use permits, zone changes or permits or land divisions being approved by the County that allow urban uses.

(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.**

This proposal is consistent with the Yuba County General Plan. County Staff verified consistency between Measure R (the Yuba County Raceway Initiative) with the later adopted Yuba County General Plan.

The proposal will be examined with regard to the Yuba LAFCO policies below:

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

The area includes and is surrounded by agriculture uses. No adverse impact upon agriculture will result from this annexation since the county has changed the land use designations from agriculture to employment generating designations and General Plan policies support agricultural businesses in the annexation and sphere areas. However, A Term and Condition is suggested that would require preservation of agricultural land as defined by Section 56016 with permanent agricultural easements within Yuba County. In addition a Term and Condition also needs to be included regarding the detachment of agricultural lands from the South Yuba Water District and the Brophy Water District prior to the issuance of entitlements or urban water. Several landowners (11 parcels) within the territory have agricultural permits and currently receive irrigation water from these districts.

(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
(g) A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans.

The proposed reorganization is consistent with the Yuba County General Plan, area plans and zoning.

(h) The proposal’s consistency with city or county general and specific plans.

This proposal is consistent with the County General Plan

(i) The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.

This proposal is consistent with the Sphere of Influence for the OPUD, as updated with this application. This application does not conflict with the Sphere of Influence of any other district since both the South Yuba Water District and the Brophy Water District provide irrigation water, not domestic water

(j) The comments of any affected local agency or other public agency.

No comments have been received

(k) The ability of the newly formed or receiving entity to provide the services which annex the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The OPUD has the ability to provide services in areas not currently receiving water and wastewater services.

(l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

The district has the ability to provide water to the area provided infrastructure is installed.

(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.

Not applicable

n) Any information or comments from the landowner or owners.

None received

(o) Any information relating to existing land use designations.

The current land use designation is Employment and Employment Village. The land is currently used for various agricultural activities.
(p) The extent to which the proposal will promote environmental justice.

Not Applicable

(q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a 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 annexation territory is within a Local Responsibility Area and not a high fire severity zone.

YUBA LAFCO POLICY

The following analysis is provided as a guide for the Commission to consider. This proposal complies with applicable legal and policy requirements, as summarized below:

Communication Among Local Agencies: Encourage communication and collaborative planning (Policy II.A)

LAFCO communicates with adjacent agencies with respect to proposals before it.

Urban Development: Encourage urban development to annex to cities, when reasonably possible (Policy II.B)

This Policy is not applicable to this proposal. There are no adjacent cities

Discourage Urban Sprawl: Efficient service delivery (Policy II.C)

This Policy is not applicable to this proposal since the land use pattern has been approved by the voters as well as the County General Plan

Environmental Consequences (CEQA): CEQA Guidelines and Public Resources Code (Policy II.D)

Environmental issues have been addressed in the County General Plan EIR and policies. This proposal is consistent and is to provide services to the sports and entertainment zone and employment zone area as designated in the County General Plan.

Balancing Jobs and Housing (Policy II.E)

This policy encourages projects which improve the regional balance between jobs and housing. Yuba County is currently unbalanced with more housing than jobs. This
annexation and sphere of influence amendment is consistent with this policy. There are no adverse impacts of this proposal on the regional affordable housing supply.

Disadvantaged Unincorporated Communities (Policy II.F)

This policy is not applicable since this is not a city annexation

Compact Urban Form and Infill Development Encouraged: timeliness of a proposal (Policy II.G)

The annexation territory is a Commercial area adjacent to OPUD and consistent with the General Plan.

Public Accessibility and Accountability: Public's ability to participate (Policy II.H)

The notice of Public Hearing has been published in the newspaper of General Circulation in Yuba County and notice has been given to landowners and registered voters.

Adequate Services: The agency’s ability to deliver services (Policy II.I)

The district has the ability to provide domestic water and wastewater services pending infrastructure development is completed.

Efficient Services: Utilization of existing public agencies, consolidation of services and restructure agency boundaries (Policy II.J)

OPUD is the only provider to provide domestic water, wastewater and park and recreation services in the area.

Community Impacts (Policy II.K)

A concern is lands need to be detached from Agricultural Irrigation Districts as the appropriate time. Terms and Conditions will be included in the adopting resolution

Consistency with General and Specific Plans provided type and level of services to be provided are consistent with the appropriate specific and general plan (Policy II.L)

This annexation is consistent with the adopted County General Plan.

Boundaries: Definite boundaries (Policy II.M)

The map and description, as reviewed by the county surveyor contains definite boundaries.

Levee Maintenance and Flood Planning (Policy II-N)
Levee maintenance in flooding portions of this area is maintained by RD-784

Revenue Neutrality: exchange of service delivery and the costs upon affected agencies (Policy II.O)

There will be no change in the distribution of taxes as a result of this proposal per Yuba County Board of Supervisor’s Resolution 2004-157 adopted on October 26th, 2004.

Agriculture: seek to maximize preservation of prime agricultural land, priority for conversion within Sphere of Influence (Policy II.P)

LAFCo’s policy gives a heightened level of review when considering proposals, which are likely to result in the conversion of agricultural lands and sets forth criteria which must be met. The proposed area is likely to be developed in the near future since it is planned and zoned for commercial uses. However, there are some parcels within the annexation meeting LAFCo’s criteria to be considered prime agricultural land. These parcels should be removed from this annexation proposal. For example, lands within an agricultural irrigation district receiving agricultural water. There are 11 agricultural permits that have been issued within the territory. These parcels should be carefully considered for exclusion. Other parcels should be detached from the applicable Agricultural Irrigation District as the need arises. Consideration of Groundwater Recharge on parcels to be detached should be considered prior to the time any county entitlements are issued and provided with OPUD domestic water and wastewater services. For those agricultural parcels within the annexation proper mitigation should be a condition of a development entitlement. LAFCo should request the County to require appropriate mitigation prior to development.

Need for Services (Policy II.Q)

Urban and Commercial development need urban services to avoid a threat to Health and Safety. It is anticipated development will occur with this area within the next 5 years. In fact, development has already occurred in this area.

Tribal Lands (Policy II.R)

The annexation territory includes tribal lands.

Updated Municipal Service Review Required (Policy II.s)

A review of the Service Review has been performed. There is no need to update at this time.
16. COMMENTS FROM THE PUBLIC AND PUBLIC AGENCIES:

Letter from Minasian, Meith, Soares, Sexton and Cooper, LLP
Letter from Victor D. Graf

17. STAFF RECOMMENDATION

Staff recommends the Commission take the following actions:

Adopt the proposed resolution shown as Attachment #1 adopting a Sphere of Influence Amendment thereby including 257 additional acres into the Sphere of Influence for OPUD.

Adopt the proposed resolution shown as Attachment #2 approving this annexation consisting of annexation of approximately 3,022.27 acres more or less of territory that will benefit from domestic water, wastewater and parks and recreation services consistent with the Yuba County General Plan subject to the recommended terms and conditions."

Staff recommends the Commission remove the Graf property from this annexation since it is in agricultural production and in the South Yuba Water District. A request to remove parcels 014-280-079 and 014-410-021 has been submitted to LAFCo because this is prime agricultural land (rice production) and there is no intent to develop the parcels in the foreseeable future.

Respectfully Submitted,

John Benoit,
Executive Officer
BEFORE THE YUBA LOCAL AGENCY FORMATION
IN THE COUNTY OF YUBA
STATE OF CALIFORNIA

Attachment #1

IN RE:

A RESOLUTION AMENDING THE )
SPHERE OF INFLUENCE )
FOR THE OLIVEHURST PUBLIC UTILITY DISTRICT )
YUBA COUNTY, CALIFORNIA )
LAFCO No. 2019-0002 )

RESOLUTION NO. 2019-0007

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 date of December 11, 2019, 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 Reclamation District 784 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:

1. That the proposed sphere of influence amendment with respect to the
Olivehurst Public Utility District complies with the provisions of Government Code Section 56000, *et seq.*

2. As of the writing of the Executive Officer’s report no significant protests have been 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 through 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 11th day of December, 2019 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:
ATTEST: JOHN BENOIT
EXECUTIVE OFFICER

ANDY VASQUEZ, CHAIR
YUBA LOCAL AGENCY
FORMATION COMMISSION

APPROVED AS TO FORM:

DAVID RUDERMAN
LAFCO COUNSEL
Exhibit A

SOI - Amendment

ANNEXED AREA
3,022± ACRES TOTAL

GEOREFERENCE
THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

LAFCO FILE 2019-0002
OLIVEHURST PUBLIC UTILITY DISTRICT
BEING A PORTION OF TOWNSHIP 14 NORTH, RANGE 4 EAST,
M.O.M.
YUBA COUNTY CALIFORNIA
PREPARED BY: M.M. INC., 1204 E STREET, MARYSVILLE, CA 95901
19-663 LAFCO OPUD ANNEXATION SHEET 2 OF 4

NOTE:
ANNEXATION TO:
1. OLIVEHURST PUBLIC UTILITY DISTRICT

LEGEND
12 COURSE NUMBER
O CALCULATED POINT
NOTHING FOUND OR SET
P.O.B. POINT OF BEGINNING
(B.O.B.) BASIS OF BEARINGS
SOI SPHERE OF INFLUENCE
ANNEXATION AREA 257± ACRES OUTSIDE SOI
EXISTING OPUD BOUNDARY

CURVE TABLE
CURVE LENGTH DELTA RADIUS
3 349.49 D = 77°00'56" 600.00'
5 340.49 D = 08°49'16" 2000.00'

LINE TABLE
LINE BEARING LENGTH
1 NO°09'44"E 278.81'
2 N47°12'43"W 296.35'
4 N85°57'55"W 190.80'
5 N85°12'39"W 101.25'
7 N38°53'25"W 131.72'
8 N63°33'12"E 95.56'
9 N60°29'45"W 30.00'
10 N89°00'23"W 2507.12'
11 N89°26'47"E 1923.79'
12 N68°23'30"E 1315.49'
13 N01°27'12"E 846.52'
14 N89°26'34"E 1214.22'
15 N06°18'55"W 1331.48'
16 N89°26'23"E 1278.80'
17 N01°24'49"W 1950.97'
18 S00°50'22"W 1320.79'
19 S68°49'56"W 726.36'
20 S90°50'21"W 1261.75'
21 S82°49'55"W 598.24'
22 S82°49'55"W 366.20'
23 S18°19'55"W 368.80'

SEE SHEET 3 FOR CONTINUATION

LAFCO FILE 2019-0002
ANNEXATION and SOI Amendment
OLIVEHURST PUBLIC UTILITY DISTRICT
BEING A PORTION OF TOWNSHIP 14 NORTH, RANGE 4 EAST,
M.O.M.
YUBA COUNTY CALIFORNIA
PREPARED BY: M.M. INC., 1204 E STREET, MARYSVILLE, CA 95901
19-663 LAFCO OPUD ANNEXATION SHEET 2 OF 4
Yuba Local Agency Formation Commission

Resolution 2019-0008

A Resolution Making Determinations and Approving an annexation of 3,022.27 acres more or less to the Olivehurst Public Utility District.

WHEREAS, a Resolution of Application initiated by Olivehurst Public Utility District consisting of an annexation of 3,022.27 acres more or less has been filed with the Executive Officer of the Yuba Local Agency Formation Commission; and said application complied with all the requirements of law and the Commission; and,

WHEREAS, the proceedings for this Annexation are governed by the Cortese-Knox-Hertzberg Local Government Annexation Act, Section 56000 et seq. of the Government Code; and

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon said application; and

WHEREAS, the Executive Officer has reviewed the application and has prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and

WHEREAS, at a hearing on December 11, 2019, the Commission considered the proposal and the report of the Executive Officer; the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard;

NOW THEREFORE, the Yuba Local Agency Formation Commission does hereby resolve and order the following:

1. The foregoing recitals are true and correct.

2. The territory comprises approximately 3,022.27-acres more or less to be annexed to the Olivehurst Public Utility District.

3. The change of organization is assigned the following distinctive short-term designation:

   LAFCO File 2019-0002 Employment Zone Annexation to OPUD.

4. The proposal is consistent with the sphere of influence of the OPUD, as amended. The Commission has considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, Sphere of Influence and General Plan consistency, and other factors specified in Government Code Section 56668 and as described in the staff reports dated November 4, 2019.
5. The Commission adopts the determinations regarding consistency with LAFCO Policies contained in the staff report for this Annexation and incorporates them by reference herein.

6. The purpose of this Annexation is to provide infrastructure to support planned and zoned commercial growth in the annexation area.

7. In reviewing this application, the Commission finds that all owners and registered voters within the annexation territory have been given public notice of this annexation under Government Code Section 56157.

8. In reviewing this application, the Commission finds that domestic water, wastewater, Lighting, Drainage and Parks and Recreation services currently provided by the OPUD are necessary and no services are needed to be provided by any other special district.

9. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.

10. The LAFCO Executive Officer’s Staff Report including attachments and recommendation for approval of the proposal are hereby incorporated by reference and hereby adopted.

11. An electronic copy (PDF) of all maps and boundary descriptions, and five 8 1/2 x 11 copies of all maps and five copies of the large 24" x 36" map and five copies of the approved boundary description meeting the State Board of Equalization Requirements shall be submitted to LAFCo prior to recordation of the Certificate of Completion.

12. The boundaries, as set forth in the proposal and amended by action of the Commission, are hereby approved as submitted and are as described in Exhibits "A" Boundary Descriptions and "B" Maps for territory to be annexed and detached are attached hereto and by this reference incorporated herein subject to the terms and conditions and corrections included.

13. Notwithstanding the effective date, the boundary descriptions and maps, if rejected by the State Board of Equalization or amended by LAFCO, will be revised at the expense of the applicant. The applicants shall be responsible for any associated costs.

14. For this annexation, no share of the property tax revenue including base tax revenue and annual tax increment belonging to the County or any taxing agency within the subject territory shall be changed per Yuba County Board of Supervisor's Master Tax Exchange Resolution 2004-157 adopted on October 26, 2004, which is attached as Exhibit "C".

15. Said Annexation territory is found to be inhabited (12 or more registered voters).

16. All Yuba County, Yuba LAFCO, 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 required fees prior to filing the Certificate of Completion for direct payment to the agency by project proponent.

17. Further protest proceedings are waived and the Commission orders the 3,022.27-acre annexation to OPUD 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 inhabited. The Commission hereby waives protest and election proceedings since no written protests or objections have been raised at this hearing by persons either owning land within the subject territory or, in this case, since the territory is inhabited, by anyone registered to vote who is currently residing within the annexation territory after providing mailed notice under Government Code section 56663. Therefore, the Commission does hereby approve and authorize the conducting authority to annex the territory described in Exhibits “A” and “B” to the Olivehurst Public Utility District without notice and election.

18. 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 domestic 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.

19. The Commission hereby directs the Executive Officer to file a Notice of Determination for LAFCo as a responsible agency.

20. Prior to recordation, the title of the maps and descriptions shall include the following: "LAFCO File 2019-0002 Employment Zone Annexation to OPUD.

21. Approval of this change of organization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Yuba Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this Change of Organization. The Yuba Local Agency Formation Commission of shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.

22. Prior to the approval of any county entitlement for urban development within the annexation territory located within the boundaries South Yuba Water District or Brophy Water District, a change of organization approving the detachment from either the South Yuba Water District or 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.

23. 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.
24. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.

25. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.

26. The Effective Date of this Annexation shall be the date of recordation of the Certificate of Completion.

27. Any Olivehurst Public Utility District previously authorized assessments; taxes, fees and charges shall apply to any annexed territory.

28. Completion of proceedings shall be concluded within one-year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be deemed abandoned unless prior to the expiration of that year the Commission authorizes an extension of time for that completion.

PASSED AND ADOPTED by this Yuba Local Agency Formation Commission, on the 11th day of December 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Signed and approved by me after its passage this 11th day of December 2019.

________________________________________
Andy Vasquez, Chair – Yuba Local Agency Formation Commission

Attest:

______________________________
John Benoit, Executive Officer
Yuba Local Agency Formation Commission

________________________________________
David Ruderman, Counsel
Yuba Local Agency Formation Commission
EXHIBIT “A” - \\
LAFCO FILE 2019 - 0002
OLIVEHURST PUBLIC UTILITY DISTRICT
ANNEXATION

All that certain real property situate in the County of Yuba, State of California, being a portion of Sections 14, 15, 22, 23, 24, 25, 26, 27, 35 and 36, Township 14 North, Range 4 East M.D.M., more particularly described as follows:

**Beginning** at the most easterly point of the existing Olivehurst Public Utility District easterly boundary, said point also being on the westerly sideline of Rancho Road;

1. Thence, leaving said easterly boundary, North 02°05’48” E, 276.81 feet to the northeasterly sideline of Rancho Road;
2. Thence, along said northeasterly sideline North 47°12’43” E, 296.35 feet to the beginning of a curve, concave to the southwest, having a radial bearing of North 69°57’00” West, a radius of 260.00 feet and a central angle of 77°00’55”;
3. Thence, along the arc of said curve, 349.48 feet;
4. Thence, North 56°57’55” West, 190.80 feet to the beginning of a curve, concave to the northeast, having a radial bearing of North 33°02’05” East, a radius of 2000.00 feet and a central angle of 09°45’16”;
5. Thence, along the arc of said curve, 340.49 feet;
6. Thence, North 47°12’39” West, 1011.26 feet;
7. Thence, North 38°33’25” West, 151.72 feet;
8. Thence, North 64°33’13” East, 99.58 feet;
9. Thence, North 00°29’45” West, 30.00 feet to the centerline of Hale Road, said point also being the northwest corner of Parcel 3 as shown on Parcel Map No. 2011-008 as filed in Book 93 of Maps, at Page 39, Yuba County Records;
10. Thence along the northerly and westerly line of said Parcel 3, North 89°00’23” East, 2532.12 feet to an angle point in said north line;
11. Thence, North 01°28’47” East, 1022.79 feet to an angle point in said northerly and westerly line;
12. Thence, North 89°23’30” East, 1315.49 feet to an angle point in said northerly and westerly line;
13. Thence, North 01°27’12” East, 661.52 feet to the northwest corner of said Parcel 3;
14. Thence, along the north line of said Parcel 3, North 89°26’34” East, 1344.22 feet to the northeast corner of said Parcel 3;
15. Thence, along the easterly line of said Parcel 3, South 02°18’05” West, 1321.48 feet to the northwest corner of said Parcel 4 of said Parcel Map No. 2011-008;
16. Thence, along the north line of said Parcel 4, North 89°50’35” East, 1279.80 feet to the northeast corner of said Parcel 4;
17. Thence, along the east line of Parcel 4 and Parcel 1 of said Parcel Map No. 2016-008, South 01°29’49” West, 1950.97 feet to the east one quarter corner of Section 10, Township 14 North, Range 4 East, Mount Diablo Meridian;
18. Thence, along the east line of said Section 10 and said Parcel 1, South 00°50’22” West, 1330.79 feet to an angle point in the easterly line of said Parcel 1;
19. Thence, along the southeasterly line of said Parcel 1, South 88°48’56” West, 726.39 feet to an angle point in the easterly line of said Parcel 1;
20. Thence, along the easterly line of said Parcel 1, South 00°50'22" West, 1387.75 feet to the southeast corner of said Parcel 1, said point also being on the centerline of Ostrom Road;
21. Thence, along said centerline, South 82°49'56" West, 598.24 feet to the southwest corner of said Parcel 1;
22. Thence continuing along said centerline, South 82°49'56" West, 266.20 feet;
23. Thence, South 19°19'06" West, 368.80 feet to the northeasterly sideline of Rancho Road
24. Thence, along said sideline of Rancho Road, South 48°34'36" East, 17529.51 feet to the intersection of the easterly projection of the southerly line of Record of Survey No. 2011-08 as filed in Book 93 of Maps at Page 41, Yuba County Records;
25. Thence, along said southerly line and easterly projection, South 64°06'39" West, 3753.50 feet;
26. Thence, North 00°52'02" East, 829.40 feet;
27. Thence, South 88°50'19" West, 3975.91 feet;
28. Thence, South 00°49'57" West, 14.32 feet;
29. Thence, South 88°41'11" West, 3888.56 feet to the west line of Section 26, Township 14 North, Range 4 East, Mount Diablo Meridian;
30. Thence, South, 1975.78 feet to the southerly line of the property described in deed filed as Document No. 9900183, Yuba County Records;
31. Thence, along said southerly line and its westerly projection, South 88°08'30" West, 2690.15 feet to the centerline of Forty Mile Road;
32. Thence, along said centerline of Forty Mile Road and the northerly projection thereof, North 00°17'32" West, 13284.27 feet to the intersection with the centerline of State Highway 65 right of way;
33. Thence along said centerline of State Highway 65, North 44°11'36" West, 2471.65 feet;
34. Thence continuing along said centerline of State Highway 65, North 37°54'10" West, 2568.69 feet to the intersection with the southerly boundary of the Olivehurst Public Utility District;
35. Thence, along said southerly boundary of the Olivehurst Public Utility District, North 88°56'14" East, 900.00 feet to the easterly boundary of the Olivehurst Public Utility District;
36. Thence continuing along said easterly line of the Olivehurst Public Utility District, North 12° 17'25" East, 286.57 feet to the westerly sideline of Rancho Road and point of beginning. Containing 3,022.27 acres, more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.
LEGEND

- COURSE NUMBER
- CALCULATED POINT
- NOTHING FOUND OR SET
- POINT OF BEGINNING
- BASIS OF BEARINGS
- ANNEXATION BOUNDARY
- SOI: SPHERE OF INFLUENCE
- ANNEXATION AREA 257± ACRES OUTSIDE SOI
- EXISTING OPUD BOUNDARY

ANNEXED AREA
3,022± ACRES TOTAL

NOTE:

ANNEXATION TO:
1. OLIVEHURST PUBLIC UTILITY DISTRICT

GEOREFERENCE

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

LAFCO FILE 2019-0002
ANNEXATION
OLIVEHURST PUBLIC UTILITY DISTRICT

BEING A PORTION OF TOWNSHIP 14 NORTH, RANGE 4 EAST,
YUBA COUNTY, CALIFORNIA

PREPARED BY: MMH INC., 1204 E STREET, MARYSVILLE, CA 95901
19-663 LAFCO OPUD ANNEXATION
LEGEND

12 COURSE NUMBER
0 CALCULATED POINT
NOTHING FOUND OR SET
P.O.B. POINT OF BEGINNING
(B.O.B.) BASIS OF Bearings
ANNEXATION BOUNDARY
SOI SPHERE OF INFLUENCE

NOTE:

ANNEXATION TO:
1. OLIVEHURST PUBLIC UTILITY DISTRICT

ANNEXED AREA
3.022± ACRES

GEOREFERENCE

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

LAFCO FILE 2019-0002
ANNEXATION
OLIVEHURST PUBLIC UTILITY DISTRICT

BEING A PORTION OF TOWNSHIP 14 NORTH, RANGE 4 EAST,
M.D.M.
YUBA COUNTY
CALIFORNIA

PREPARED BY: WFM INC., 1204 E STREET, MARYSVILLE, CA 95901
19-663 LAFCO OPUD ANNEXATION SHEET 3 OF 4
LEGEND

12 COURSE NUMBER
○ CALCULATED POINT
□ NOTHING FOUND OR SET
P.O.B. POINT OF BEGINNING
(B.O.B.) BASIS OF BEARINGS
--- ANNEXATION BOUNDARY
□ SOI SPHERE OF INFLUENCE

NOTE:

ANNEXATION TO:
1. OLIVEHURST PUBLIC UTILITY DISTRICT

ANNEXED AREA
3,022± ACRES

GEOREFERENCE

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUCA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

LAFCO FILE 2019-0002
ANNEXATION
OLIVEHURST PUBLIC UTILITY DISTRICT

BEING A PORTION OF TOWNSHIP 14 NORTH, RANGE 4 EAST,
M.D.M.
YUBA COUNTY
CALIFORNIA
SEPTEMBER 2019

PREPARED BY: MWH INC., 1204 E STREET, MARYSVILLE, CA 95901
19-663 LAFCO OPUD ANNEXATION SHEET 4 OF 4
RESOLUTION NO. 2004-157

MASTER PROPERTY TAX REVENUE EXCHANGE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA TO ESTABLISH A DISTRIBUTION OF PROPERTY TAX REVENUE ON ANNEXATIONS AND DETACHMENTS OF PROPERTY TO THE OLIVEHURST PUBLIC UTILITY DISTRICT

WHEREAS, under the provisions of Proposition 13 adopted in 1978, the distribution of property taxes within each county became the responsibility of the County Board of Supervisors; and

WHEREAS, Proposition 13 failed to make any provision for the redistribution of these taxes, as a result of reorganization of cities and districts within the County; and

WHEREAS, Revenue and Taxation Code Section 99(b) designates the Yuba County Board of Supervisors as the agency responsible for deciding what sort of property tax revenue exchanges should occur in the case of special district annexations and detachments with the County; and

WHEREAS, a resolution must be adopted establishing the extent and nature of property tax exchanges before any annexation or detachment is complete; and

WHEREAS, the Board of Supervisors has consulted with the Olivehurst Public Utilities District pursuant to Revenue and Taxation Code Section 99(b)(5).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of Yuba as follows:

1. All exchanges of property tax revenue for special district annexations and detachments shall be governed by this resolution;

2. The exchange of property taxes shall be effective beginning any roll year only if the special district annexation or detachment has been completed and approved by the State Board of Equalization prior to December 1st of the preceding year;

3. Regarding the property tax revenue exchange for special district annexations, no share of property tax revenue (including base tax revenue and annual tax increment) belonging to the County or any taxing agency within the subject territory shall be exchanged with the annexed special district as a result of the annexation;
4. Regarding the property tax revenue exchange for special district detachments, any share of property tax revenue (including base tax revenue and annual tax increment) belonging to the detached property shall be distributed to the County and to all of the other taxing agencies within the subject territory based on their share of property tax revenue within the subject tax rate area.

5. The Yuba County Auditor-Controller is hereby directed to distribute the property tax revenues for the taxing agencies within the subject annexation or detachment area in accordance with this resolution.

The foregoing master property tax revenue exchange resolution was passed and adopted at a Regular meeting of the Board of Supervisors of the County of Yuba held on the 26th day of OCTOBER, 2004, by the following vote:

AYES: SUPERVISORS LOGUE, SIMMONS, GRIEGO, SCHRADER, STOCKER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

BILL SIMMONS, CHAIRMAN
YUBA COUNTY BOARD OF SUPERVISORS

ATTEST: CYNTHIA SLAYTON
Clerk to the Board of Supervisors
CYNTHIA SLAYTON, DEPUTY CLERK

APPROVED AS TO FORM:

Dan Montgomery, County Counsel

The foregoing Instrument is a Correct Copy of the original on file in this office
ATTEST: DONNA STOTLLEMEYER
Clerk of the Board of Supervisors of the County of Yuba, State of California
By CYNTHIA SLAYTON, Deputy
Date: October 27, 2004
Statement of Justification

Olivehurst Public Utility District (OPUD) is proposing to do a minor sphere of influence amendment and annex approximately 3408 acres in Southern Yuba County for water, wastewater and parks services in the areas known as the “Sports and Entertainment Zone” and the “Employment Village.” A small portion of this proposed annexation area is not in OPUD’s sphere of influence but rather an area of referral, hence the proposed minor sphere of influence amendment.

This proposed area is zoned and slated for commercial growth but lacks the utility infrastructure required to support such growth. OPUD will have the ability to serve the parcels within the proposed area once the area is annexed and the infrastructure is installed. Currently the area has no planned parks but should there be any parks constructed in the proposed annexation area OPUD is prepared to operate and maintain these parks. Another benefit to this annexation and subsequent infrastructure installation is the closer proximity of wastewater service connection to both Beale AFB and the City of Wheatland for treatment at OPUD’s treatment plant.

Pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, OPUD Board of Directors has adopted a Resolution of Application for annexation and minor sphere of influence amendment.
Section 1. Environmental Findings

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 Overridding Considerations required by Section 15093, which are incorporated by reference hereto as its own in approving the Sphere of Influence Amendment and Annexation.
BEFORE THE BOARD OF DIRECTORS
OF THE
OLIVEHURST PUBLIC UTILITY DISTRICT

RESOLUTION NO 2347

Resolution of Application of the Board of Directors of the Olivehurst Public Utility District (OPUD) requesting the Yuba Local Agency Formation Commission approve the annexation to OPUD’s service area of the area identified as the Industrial, Sports and Entertainment Zones (See Exhibit “C”, annexation maps) for the purpose of providing Parks and Recreation, Wastewater and Water services. Additionally, OPUD is requesting a Sphere of Influence (SOI) amendment for the provision of Parks and Recreation, Wastewater and Water services within certain parcels that we wish to annex that are not currently in our SOI.

RESOLVED by the Board of Directors of the Olivehurst Public Utility District that:

WHEREAS, the Olivehurst Public utility District desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the above-described annexation and Sphere of Influence Amendment; and

WHEREAS, at the time and in the manner provided by law, the General Manager gave notice of the date, time, and place of a public hearing by the District Board of Directors to initiate these proceedings; and

WHEREAS, a notice of intent to adopt this Resolution of Application has not been given to each interested agency; and

WHEREAS, the County of YUBA has adopted Resolution 2004-157, a master property tax sharing agreement, on October 26, 2004 and OPUD agrees and affirms no share of base tax revenue and annual tax increment shall be exchanged as a result of this annexation (See Exhibit A).

WHEREAS, there are no affected cities or districts within the meaning of Subdivision (2) of Section 56700 of the Government Code; and

WHEREAS, the OPUD Board of Directors finds the annexation territory is uninhabited meaning there are fewer than 12 registered voters residing within the annexation territory.

WHEREAS, because a portion of the proposed annexation service area is not consistent with the current sphere of influence of the Olivehurst Public Utility District, OPUD is concurrently applying for a Sphere of Influence amendment for the provision of Parks and Recreation, Wastewater and Water services; and
WHEREAS, it is requested that the proposed annexation be subject to the following terms and conditions:

1. All costs incurred to complete the annexation including but not limited to Yuba LAFCo, Yuba County, and the State Board of Equalization costs will be borne by the property owner(s) and (or) OPUD.

2. All impact mitigation fees will be applied to any development on this property after the completion of the annexation.

3. Properties in the proposed area to be annexed will be subject to capacity fees established by District; and

WHEREAS, the reasons for the proposed annexation are as follows;

1. The annexation of the Industrial, Sports and Entertainment service area will allow OPUD to provide enhanced water, wastewater and parks services to the area that has no other means of acquiring such services.

2. Commercial growth in these areas requires this infrastructure. The growth will provide jobs and services to the community; and

WHEREAS, the Board of Directors of the Olivehurst Public Utility District has reviewed the 2030 General Plan and relevant environmental documentation and finds that no further environmental review is needed since OPUD intends to use the 2030 Yuba County general plan environmental documentation to satisfy the CEQA requirements for the proposed minor sphere of influence amendment and annexation; and

WHEREAS, in accordance with Government Code Section 56653, the Board hereby adopts a Plan for Services for this proposed annexation and minor Sphere of Influence amendment to include certain properties presently in an OPUD Area of Referral into OPUD’s Parks and Recreation, Water and Wastewater Sphere of influence attached hereto as Exhibit “B”; and

NOW, THEREFORE, this Resolution of Application hereby adopted and approved by the Board of Directors of the Olivehurst Public Utility District and the Yuba Local Agency Formation Commission is hereby requested to take proceedings for the property identified in Exhibit C (including Sheets 1 through 4) according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 2000.
PASSED AND ADOPTED by the Board of Directors as a Resolution of the Olivehurst Public Utility District at a regular Board Meeting held on the 15th day of August, 2019.

OLIVEHURST PUBLIC UTILITY DISTRICT

[Signature]
President, Board of Directors

ATTEST:

[Signature]
District Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
Deirdre Joan Cox, Legal Counsel

* * * * * * * * * * * *

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 18th day of July 2019, by the following vote:

AYES, AND IN FAVOR THEREOF: Directors White, Carpenter, Burbank, Floe, and Griego.

NOES : None

ABSTAIN : None

ABSENT : None

[Signature]
District Clerk & ex-officio Secretary

OAK #4825-0904-1569 v1
RESOLUTION NO. 2004-157

MASTER PROPERTY TAX REVENUE EXCHANGE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA TO ESTABLISH A DISTRIBUTION OF PROPERTY TAX REVENUE ON ANNEXATIONS AND DETACHMENTS OF PROPERTY TO THE OLIVEHURST PUBLIC UTILITY DISTRICT

WHEREAS, under the provisions of Proposition 13 adopted in 1978, the distribution of property taxes within each county became the responsibility of the County Board of Supervisors; and

WHEREAS, Proposition 13 failed to make any provision for the redistribution of these taxes, as a result of reorganization of cities and districts within the County; and

WHEREAS, Revenue and Taxation Code Section 99(b) designates the Yuba County Board of Supervisors as the agency responsible for deciding what sort of property tax revenue exchanges should occur in the case of special district annexations and detachments with the County; and

WHEREAS, a resolution must be adopted establishing the extent and nature of property tax exchanges before any annexation or detachment is complete; and

WHEREAS, the Board of Supervisors has consulted with the Olivehurst Public Utilities District pursuant to Revenue and Taxation Code Section 99 (b) (3).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of Yuba as follows:

1. All exchanges of property tax revenue for special district annexations and detachments shall be governed by this resolution;

2. The exchange of property taxes shall be effective beginning any roll year only if the special district annexation or detachment has been completed and approved by the State Board of Equalization prior to December 1st of the preceding year;

3. Regarding the property tax revenue exchange for special district annexations, no share of property tax revenue (including base tax revenue and annual tax increment) belonging to the County or any taxing agency within the subject territory shall be exchanged with the annexed special district as a result of the annexation;
4. Regarding the property tax revenue exchange for special district detachments, any share of property tax revenue (including base tax revenue and annual tax increment) belonging to the detached property shall be distributed to the County and to all of the other taxing agencies within the subject territory based on their share of property tax revenue within the subject tax rate area.

5. The Yuba County Auditor-Controller is hereby directed to distribute the property tax revenues for the taxing agencies within the subject annexation or detachment area in accordance with this resolution.

The foregoing master property tax revenue exchange resolution was passed and adopted at a Regular meeting of the Board of Supervisors of the County of Yuba held on the 26th day of OCTOBER, 2004, by the following vote:

AYES: SUPERVISORS LOGUE, SIMMONS, GRIEGO, SCHRADER, STOKER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

[Signature]
BILL SIMMONS,
CHAIRMAN
YUBA COUNTY BOARD OF SUPERVISORS

ATTEST: [Signature]
Cynthia Slayton
Clerk to the Board of Supervisors
CYNTHIA SLAYTON, DEPUTY CLERK

APPROVED AS TO FORM:

[Signature]
Dan Montgomery, County Counsel

The foregoing Instrument is a Correct Copy of the original on file in this office
ATTEST: DONNA STOTLEMEYER
Clerk of the Board of Supervisors of the County of Yuba, State of California

By [Signature]
Cynthia Slayton, Deputy
Date: October 27, 2004
As required by government code §56653 this describes a general plan for services to the proposed area to be annexed. The District proposes to provide water, wastewater and parks services to this area.

1. Currently there are no existing water, wastewater or parks services to the proposed area. OPUD proposes to provide these services to the affected area and available to all parcels within the area.

2. OPUD proposes to provide a full level of water and wastewater services to the affected area. Parks service would be as needed and feasible within this mostly all commercial area.

3. Our estimated time-frame for completing the construction of water and wastewater infrastructure to the affected area is about 2 years (summer of 2021).

4. Water and wastewater infrastructure including water treatment plant, water distribution system and wastewater collections system would all be installed new and generally installed within County right-of-way in the existing roads so each parcel would have access to the services.

5. The District has started an application with USDA for a grant for the design and construction of these services. Additionally, other local agencies have expressed interest in providing grants/loans for the lack or shortfall of the USDA scenario. Loan servicing would be addressed by area-specific capacity fees for the services.
November 6, 2019

Yuba Local Agency Formation Commission
915 8th Street, Suite 130
Marysville, CA  95901

Attn: John Benoit

Re: Consideration of LAFCO File No. 2019-0002 SOI Amendment and Annexation to the Olivehurst Public Utility District (OPUD) and Parcels 014-280-079 and 014-410-021

Mr. Benoit –

After reviewing the Notice of Public Hearing for Nov 6, 2019 and the Executive Officer’s Report on the OPUD annexation request referenced above, I would like to request the Commission exclude two of the proposed parcels (APN’s 014-280-079 and 014-410-021) from the OPUD annexation at this time.

The OPUD request is focused on servicing future commercial developments that are allowed by the Yuba County 2030 General Plan that was adopted in 2011. However this land has been used for farming by my family continuously since 1871 – the very definition of “prime agricultural land” - and my sons have decided to continue this family tradition into the future. The possibility of development on these parcels may be decades away and there is no idea of that development may include in the future. We will receive none of the services supplied by OPUD while continuing our family farming, yet be at risk for “area-specific capacity fees” for infrastructure loan servicing that will impact the “physical and economic integrity” of our agricultural lands.

If at some point in the future my sons decide not to continue farming the property, and instead look to develop it, a proper application would be submitted to OPUD based on a reasonable scope of the development at that time and what it would require.

I respectfully request the Commission exclude the two Graf parcels from OPUD’s annexation request.

Sincerely,

Victor D. Graf

3939 Walnut Ave, Unit 296
Carmichael, CA  95608

RECEIVED NOV 12 2019
November 26, 2019

Olivehurst Public Utility District
Board of Directors
P O Box 670
Olivehurst, California 95961

Yuba County Motorplex, LLC
201 D Street, Suite D
Marysville, California 95901

Re: Proposed Annexation to OPUD of acreage located within the South Yuba Water District, and later detachment

Ladies and Gentlemen:

South Yuba Water District would like to suggest a means of accomplishing the annexation to OPUD under modified terms to those being proposed to be considered by the Yuba County Local Agency Formation Commission. The modifications would hopefully be found to have advantages to all parties:

1. As to the Motorplex land, the Bureau of Indian Affairs land and the Amphitheater land, South Yuba Water District provides for substituted recharge of the groundwater aquifers and management measures which those properties rely upon for water use. There is no reason that this will change, and commercial developers of these lands, unlike other areas of California, will be able to cite to the record to demonstrate that groundwater use for commercial development is a reliable source of water in this area. South Yuba manages the surface water delivery system and the distribution of surface water which allows the irrigators to relax use of the groundwater, and substituted recharge then occurs. The groundwater use during periods when the surface water is not available or when other areas of the state require supplementary water is carefully managed so that groundwater wells will have an available supply of good quality water.

The South Yuba Water District currently levies a standby charge which has been as low as $25.00 per 90% of the Assessor Parcel acreage within the District, and is currently at the rate
of $52.50 per 90% of the assessor parcel acreage. Obviously, the lands proposed to be annexed to OPUD currently within South Yuba boundaries which are within the boundaries of South Yuba and would continue to be subject to those charges until commercial use developed, at which time detachment would be applied for. Consideration of the proper charges for payments to continue that groundwater and surface water program would be part of the detachment conditions because South Yuba seems likely to continue to provide the benefits of the remaining approximate 8,000 acres (less the approximate 1,000 acres involved in the above-described property owners’ holdings) not using groundwater and relying upon surface water sources during most years, preserving groundwater supplies for reliable use by the South Yuba lands and the lands already developed to commercial use and proposed to be developed for those uses. If annexation and detachment were to occur now instead of on a parcel-by-parcel basis, including waiting for the commercial development of the remainder of the Motorplex land, a more orderly process could occur provided the detachment order conditions required the detaching lands to pay a fair share of the costs being incurred by South Yuba landowners for the foregoance of groundwater use by the agricultural acreage which in most years is only possible by operating the surface water delivery system.

The District Reorganization Act provides a mechanism for accomplishing this by the detaching lands and LAFCO agreeing as a condition of detachment that the detaching lands would continue to pay a portion of the charges of the South Yuba Water District to land within its boundaries receiving benefits provided by the District according to a formula related to the benefits continued to be received. Government Code Section 56886 is attached.

The quantification of those benefits is of course difficult, but when considering that without the South Yuba Water District project to deliver surface water to the areas, the groundwater within the whole of the area had declined in many areas hundreds of feet in the early 1980’s, and wells were failing, the benefits are undeniable. South Yuba’s landowners’ investment and its continued operations are essential to supporting commercial development of this area. A determined charge based upon what the remaining South Yuba Water District landowners are charged and paying to maintain and operate this system is unchallengeable.

South Yuba has estimated these benefits in the range of 70% of the standby charge paid per acre by all lands within South Yuba in previous conversations with the Motorplex representatives. Please do not consider this as an opening figure subject to reduction, but consider it as evidence that careful thought has occurred about the future of the land uses subject to the LAFCO proceeding and how important the past investments made in surface water deliveries and continued use of that system is to permit commercial development. The continued operations of the South Yuba Water District will be critical in answering where the water for the proposed your commercial uses comes from and why its availability is more reliable than in other areas of the State.
To: Olivehurst Public Utility District  
Yuba County Motorplex, LLC  
Re: Proposed Annexation to OPUD of acreage located within the South Yuba Water District.  
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Government Code Section 56886 and Water Code Sections 35479 and 35480 provide for authority that the amount can be added to the County Tax Bill for each property detached and collected as part of the County Tax Bill. The Motorplex has worked cooperatively in the past to assure that, despite the Bureau of Indian Affairs’ property having federal ownership status, that the standby charges have been paid. We appreciate that cooperation and would ask that they continue that role. We would look forward to discussing this alternative with you.

There is an additional issue. As you know, a landowner currently farming within South Yuba Water District, the Graf family, has a portion of their land included within the proposed annexation. Their land is generally planned for residential development which is probably many years away. They currently farm the property with South Yuba water. They have indicated their opposition to being annexed to OPUD at this time. Because South Yuba Water District continues to provide irrigation water service to that land, the District believes that a better solution for that land may be to remove that landholding from the proposed annexation to OPUD and when and if urban development is imminent, annex the land at that time to OPUD and detach them from South Yuba Water District concurrent with the commencement of development.

A copy of this letter will be sent to the Yuba County LAFCO Staff who hopefully would be willing to coordinate discussions in regard to these alternatives before any hearing occurs. If there is receptivity to the propositions, South Yuba is willing to join in drafting proposed resolutions of LAFCO and agreements between South Yuba and OPUD which would accomplish these purposes.

Very truly yours,

MINASIAN, MEITH,  
SOARES, SEXTON & COOPER, LLP

- dictated but not read;  
signed in writer’s absence to avoid delay -

By: Paul R. Minasian / dd

PAUL R. MINASIAN

PRM: dd  
Enclosure: Government Code Section 56886  
cc: Yuba County LAFCO, Attn: Page Hensley & John Benoit  
Board of Directors, South Yuba Water District  
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§ 56886. Terms and conditions

Any change of organization or reorganization may provide for, or be subject to one or more of, the following terms and conditions. If a change of organization or reorganization is made subject to one or more of the following terms and conditions in the commission's resolution making determination of the terms and conditions imposed shall prevail in the event of a conflict between a specific term and condition authorized pursuant to this section and any of the general provisions of Part 5 (commencing with Section 56000), however, none of the following terms and conditions shall directly relate to land use, property development, or subdivision requirements:

(a) The payment of a fixed or determinable amount of money, either in a lump sum or in installments, for the acquisition, transfer, use, or right of use of any or any part of the existing property, real or personal, of any city, county, or district.

(b) The levying or fixing and the collection of any of the following, purpose of providing for any payment required pursuant to subdivision (a):
   1. Special, extraordinary, or additional taxes or assessments.
   2. Special, extraordinary, or additional service charges, rents, or rates.
   3. Both taxes or assessments and service charges, rentals, or rates.

(c) The imposition, exemption, transfer, division, or apportionment among any affected cities, affected counties, affected districts, and any territory of liability for payment of all or any part of principal, interest, or any other amounts which shall become due on account of all or any part of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of any city, county, district, or any improvement district within a local agency, and the levying or fixing and the collection of any taxes or assessments, or (2) service charges, rentals, or rates, or (3) both taxes or assessments and service charges, rentals, or rates, in the same manner as provided in the original authorization of the bonds and in the amount necessary to provide for that payment.

(d) If, as a result of any term or condition made pursuant to subdivision (c), the liability of any affected city, affected county, or affected district, the payment of the principal of any bonded indebtedness is increased or decreased, the term and condition may specify the amount, if any, of the increase or decrease which shall be included in, or excluded from, the outstanding bonded indebtedness of that entity for the purpose of application of any statute or charter provision imposing a limitation on the principal amount of outstanding bonded indebtedness of the entity.

(e) The formation of a new improvement district or districts or annexation or detachment of territory to, or from, any existing improvement district or districts.

(f) The incurring of new indebtedness or liability by, or on behalf of, any part of any local agency, including territory being annexed to any agency, or of any existing or proposed new improvement district within
The new indebtedness may be the obligation solely of territory be annexed if the local agency has the authority to establish zones for curving indebtedness. The indebtedness or liability shall be incurred substantially in accordance with the laws otherwise applicable to the local ency.

(g) The issuance and sale of any bonds, including authorized but unissued nds of a local agency, either by that local agency or by a local agency signated as the successor to any local agency which is extinguished as a result of any change of organization or reorganization.

(h) The acquisition, improvement, disposition, sale, transfer, or division of y property, real or personal.

(i) The disposition, transfer, or division of any moneys or funds, including on hand and moneys due but uncollected, and any other obligations.

(j) The fixing and establishment of priorities of use, or right of use, of water, or capacity rights in any public improvements or facilities or any other property, real or personal. However, none of the terms and conditions lered pursuant to this subdivision shall modify priorities of use, or right of z, to water, or capacity rights in any public improvements or facilities that ve been fixed and established by a court or an order of the State Water sources Control Board.

(k) The establishment, continuation, or termination of any office, departmt, or board, or the transfer, combining, consolidation, or separation of y offices, departments, or boards, or any of the functions of those offices, partments, or boards, if, and to the extent that, any of those matters is horized by the principal act.

(l) The employment, transfer, or discharge of employees, the continuation, dification, or termination of existing employment contracts, civil service hts, seniority rights, retirement rights, and other employee benefits and hts.

(m) The designation of a city, county, or district, as the successor to any al agency that is extinguished as a result of any change of organization or rganization, for the purpose of succeeding to all of the rights, duties, and igations of the extinguished local agency with respect to enforcement, formance, or payment of any outstanding bonds, including revenue ads, or other contracts and obligations of the extinguished local agency.

(n) The designation of (1) the method for the selection of members of theislative body of a district or (2) the number of those members, or (3) both, ere the proceedings are for a consolidation, or a reorganization providing a consolidation or formation of a new district and the principal act vides for alternative methods of that selection or for varying numbers of se members, or both.

(o) The initiation, conduct, or completion of proceedings on a proposal de under, and pursuant to, this division.

(p) The fixing of the effective date or dates of any change of organization, ject to the limitations of Section 57202.
§ 56886

LOCAL AGENCIES § 56886

(r) The continuation or provision of any service provided at that time, or previously authorized to be provided by an official act of the local agency.

(s) The levying of either of the following:

(1) Assessments or fees, including the imposition of a fee pursuant to Section 50029 or 66484.3. For the purposes of this section, imposition of a fee as a condition of the issuance of a building permit does not constitute direct regulation of land use, property development, or subdivision requirements.

(2) General or special taxes subject to approval by the voters.

(t) The extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency or a successor local agency in the affected territory.

(u) The transfer of authority and responsibility among any affected cities, affected counties, and affected districts for the administration of special tax and special assessment districts, including, but not limited to, the levying and collecting of special taxes and special assessments, including the determination of the annual special tax rate within authorized limits; the management of redemption, reserve, special reserve, and construction funds; the issuance of bonds which are authorized but not yet issued at the time of the transfer, including not yet issued portions or phases of bonds which are authorized; supervision of construction paid for with bond or special tax or assessment proceeds; administration of agreements to acquire public facilities and reimburse advances made to the district; and all other rights and responsibilities with respect to the levies, bonds, funds, and use of proceeds that would have applied to the local agency that created the special tax or special assessment district.

(v) Any other matters necessary or incidental to any of the terms and conditions specified in this section. If a change of organization, reorganization, or special reorganization provides for, or is made subject to one or more of, the terms and conditions specified in this section, those terms and conditions shall be deemed to be the exclusive terms and conditions for the change of organization, reorganization, or special reorganization, and shall control over any general provisions of Part 5 (commencing with Section 57300).

Amendments:

2014 Amendment: (1) Substituted "prevail in the event of a conflict between a specific term and condition authorized pursuant to this section and any of" for "constitute the exclusive terms and conditions for the change of organization or reorganization, notwithstanding" in the second sentence of the introductory paragraph; and (2) added the comma after "transfer, use" in subd. (a).

2015 Amendment: (1) Added "either of the following" in the introductory clause of subd. (a); (2) added subdivision designation (a)(1); (3) amended the first sentence of subd. (a)(1) by (a) adding "or fees"; and (b) deleting "or the approval by the voters of general or special taxes" at the end; and (4) added subd. (a)(2).