
**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

AGENDA

Thursday, June 13, 2019 9:00 A. M.

BOARD OF SUPERVISORS CHAMBERS
44 NORTH SAN JOAQUIN STREET, 6TH FLOOR
STOCKTON, CALIFORNIA

* * * *

Call to Order
Announce Date and Time of Meeting for the Record
Roll Call
Pledge of Allegiance

Recognition of Service for Commissioner Doug Kuehne

CONSENT ITEMS

1. MEETING MINUTES OF May 9, 2019
(Action by All Members)
Approve Summary Minutes of the regular meeting.
2. OUT-OF-AGENCY SERVICE REQUEST
(Action by Regular Members)
Request from the City of Stockton to provide out-of-agency sewer service outside the City boundary under Government Code §56133 to 1925 E. Ninth Street, and 254 E. Fourth Street, Stockton.

ACTION ITEMS

3. CITY OF TRACY DRAFT MUNICIPAL SERVICE REVIEW (MSR) AND SPHERE OF INFLUENCE (SOI) UPDATE (LAFc 14-19)
(Action by Regular Members)
Workshop to receive testimony and comments on the Draft MSR and SOI Update for the City of Tracy

PUBLIC HEARING

4. FINAL MUNICIPAL SERVICE REVIEW (MSR) AND SPHERE OF INFLUENCE (SOI) PLAN FOR BRYON-BETHANY IRRIGATION DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT (LAFc 18-16)
(Action by Regular Members)

Public Hearing to receive testimony and comments on the Final MSR and SOI Update for Bryon-Bethany Irrigation District and the West Side Irrigation District.

5. FINAL BUDGET FOR THE FISCAL YEAR 2019-2020
(Action by Regular Members)
Commission consideration of the Final Budget for Fiscal Year 2019-2020, Work Program and Schedule of Fees.

PUBLIC COMMENTS

6. Persons wishing to address the Commission on matters not otherwise on the agenda

EXECUTIVE OFFICER COMMENTS

7. Comments from the Executive Officer

COMMISSIONER COMMENTS

8. Comments, Reports, or Questions from the LAFCO Commissioners

CLOSED SESSION

9. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7
10. CLOSED SESSION
 - A. Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a)
Name of Case: Pacific Gas and Electric v. San Joaquin LAFCo and South San Joaquin Irrigation District (San Joaquin County Superior Court Case No. 39-2015-00321743-CU-JR-STK)
11. Open Session Report on Closed Session pursuant to Government Code Section 54957.1

ADJOURNMENT

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

**SUMMARY MINUTES
May 9, 2019**

BOARD OF SUPERVISORS CHAMBERS
44 NORTH SAN JOAQUIN STREET, 6TH FLOOR
STOCKTON, CALIFORNIA

Chairman Johnson called the meeting to order at 9:07 a.m.

MEMBERS PRESENT:	Commissioner Patti and Chairman Johnson
MEMBERS ABSENT:	Commissioners Andrade, Krumeich and Villapudua Commissioner Villapudua arrived at 10:25 a.m.
ALTERNATE MEMBERS PRESENT:	Commissioners Bretenbucher and Morowit
ALTERNATE MEMBERS ABSENT:	Commissioner Winn
OTHERS PRESENT:	James E. Glaser, Executive Officer; Rod Attebery, Legal Counsel; and Mitzi Stites, Commission Clerk

Chairman Johnson welcomed Commissioner Bretenbucher to the Commission.

CONSENT ITEMS

Chairman Johnson opened the matter up for Public and Commissioner Comments.

No comments were made.

A motion was made by Commissioner Patti and seconded by Commissioner Morowit to approve the Consent Calendar.

The motion for approval of the Summary Minutes of April 22, 2019, was passed by an unanimous vote of the Commission.

The motion for approval for the out-of-agency service request to the property located at

530 S. Hinkley Avenue, Stockton, was passed by an unanimous vote of the regular voting members of the Commission.

ACTION ITEMS

3. DRAFT MUNICIPAL SERVICE REVIEW (MSR) AND SPHERE OF INFLUENCE (SOI) PLAN FOR BRYON- BETHANY IRRIGATION DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT (18-16)

(Action by Regular Members)

James Glaser, Executive Officer, provided an overview of the process to prepare the Municipal Service Review (MSR) and the Sphere of Influence (SOI). He stated that LAFCo is required to prepare an MSR for each of its incorporated cities and special districts and update the SOI's.

Byron Bethany Irrigation District

BBID became a public district in December 1919. Originally formed as a private company, called the Byron-Bethany Irrigation Company, in 1914 it utilized long-term (pre-1914) water rights. BBID procures and supplies raw water to be used for irrigation and municipal purposes. In addition to its pre-1914 water rights, BBID also has a contract with the U.S. Bureau of Reclamation for 20,600 acre-feet (AF) for the Central Valley Service Area. The District consists of approximately 29,477 acres and is located in Alameda, Contra Costa, and San Joaquin Counties.

The West Side Irrigation District

TWSID was originally formed on October 12, 1915 and began making its first water deliveries four years later in 1919. TWSID provides the delivery and sale of irrigation water, agricultural drainage, storm and municipal drainage, and municipal and industrial water. The District consists of approximately 6,589 acres located in the unincorporated territory to the east and west of and within the City of Tracy. TWSID has a license from the State Water Resource Control Board to divert 27,000 AF of water from Old River. TWSID also has a contract with the U.S. Bureau of Reclamation to receive 2,500 AF from the Central Valley Project. TWSID currently functions as an independent district governed by a five-member Board of Directors.

The Boards of Directors of Byron Bethany Irrigation District and The West Side Irrigation District approved a concurrent resolution for the consolidation of the two Districts. The Districts propose to accomplish the consolidation by combining the territory of TWSID with the territory of BBID, and creating BBID as the single successor district. TWSID would no longer be a separate entity. The reason for the consolidation is to enhance the services provided to the territories of both BBID and TWSID. In the interim, TWSID and BBID entered into a December 2016 Management Agreement (Agreement for Services) such that BBID provides management services to TWSID. Management services covered under the 2016 Agreement include provision of a General Manager, operations, and maintenance support. TWSID retains its separate legal counsel, until LAFCo formally approves the consolidation.

Kateri Harrison, Founder, SWALE INC. and Bruce Baracco, Principal Planner, Baracco and Associates, presented a PowerPoint presentation that focused on an overview of both irrigation districts.

Chairman Johnson open the floor to Commissioner Comments.

Chairman Johnson wanted clarification regarding future annexation, Tracy Hills and who will provide the water supply.

Bruce Baracco, Principal Planner, Baracco and Associates, stated that The West Side Irrigation use to be the sole provider for water but now they collaborate with the City of Tracy.

Chairman Johnson opened the floor to Public Comments.

Nick Janes, Director of Public Affairs, Byron-Bethany Irrigation District presented a video on Byron Bethany Irrigation District and The West Side Irrigation District.

Jim Lawrence, landowner in the Byron Bethany Irrigation District, inquired about the long-term water plan for future annexations as well as how the water supply will be divided between development and agriculture. Mr. Lawrence also inquired that since the Districts have different water rights and how will this effect managing them.

Rick Gilmore, General Manager, Byron Bethany Irrigation District and The West Side Irrigation District, stated that they will work with the developers to find the proper water balance, just as they found the balance for Mountain House Community Development. Regarding the management of systems, both Districts will be managed separately.

Mr. Singh, owner of land in both districts requested that the Commission approve the Municipal Service Review and the consolidation.

Bob Bentz stated his concern on raising of water prices.

Chairman Johnson closed Public Comments.

A motion was made by Commissioner Bretenbucher and seconded by Commissioner Patti to approve the Draft Municipal Service Review and Sphere of Influence Plan Update for Byron-Bethany Irrigation District (BBID) and The West Side Irrigation District (TWSID) to be set it for public hearing on June 13, 2019.

The motion for approval was passed by an unanimous vote of the Commission.

4. RESULTS OF PROTEST HEARING FOR THE CONSOLIDATION OF RECLAMATION DISTRICT 2038 (LOWER JONES TRACT) AND RECLAMATION DISTRICT 2039 (UPPER JONES TRACT) (LAFC 28-18)

(Action by Regular Members)

Report from the Executive Officer on the results from the Protest Hearing held on April 16, 2019.

James Glaser, Executive Officer reported that no written protests were received by the close of the Protest Proceedings regarding the consolidation of Reclamation District 2038 (Lower Jones Tract) and Reclamation District 2039 (Upper Jones Tract).

Chairman Johnson opened the floor to Commissioner Comments.

No comments were made.

Chairman Johnson closed Commissioner Comments.

Chairman Johnson opened the floor to Public Comments.

No one came forward

Chairman Johnson closed Public Comments.

A motion was made by Commissioner Patti and seconded by Commissioner Bretenbucher to approve Resolution No, 1405 ordering the consolidation of Reclamation District 2038 (Lower Jones Tract) and Reclamation District 2039 (Upper Jones Tract).

The motion for approval was passed by an unanimous vote of the Commission.

CLOSED SESSION

5. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7
6. Closed Session
Conference with Labor Negotiator Pursuant to Government Code Section 54957.6
Agency Designated Representative: Peter Johnson / Rod Attebery
Unrepresented Employee: Executive Officer James Glaser
7. Open Session Report on Closed Session pursuant to Government Code Section 54957.1

Rod Attebery, Legal Counsel, stated that there was no reportable action.

10:25 a.m. Commissioner Villapudua arrived at the Commission Meeting

PUBLIC HEARING

8. PRELIMINARY BUDGET REPORT FOR THE FISCAL YEAR 2019-2020
(Action by Regular Members)
Commission consideration of the Preliminary Budget for Fiscal Year 2019-2020,
Work Program and Schedule of Fees.

Mr. James Glaser, Executive Officer, presented an overview of the proposed budget. He stated that the budget anticipates that the cost for staffing and operations will be approximately \$728,958 and that the Commission will transfer \$254,358 from its \$876,753 Contingency/Reserve fund to continue agency operations at the end of the FY 2019-2020 if all line items are fully expended.

The Budget Committee proposes to increase the County and Cities contribution by 3% each or an increase of \$6,500 each. The Committee also proposes that \$200,000 be set aside in the Contract for Services line item in the event that the Commission wishes to contact out for special studies, complete municipal service reviews, or other matters that require an outside consultant.

Mr. Glaser summarized LAFCo's accomplishments during the fiscal year and outlined next year's program and the Budget Committee's recommended changes to the Application Filing Fee Schedule.

The Budget Committee reviewed the application filling fee schedule and proposed the following adjustments:

- Increase fee from \$1,200 to \$3,000 for Amendments to the Municipal Service Review
- Clarification of the Surveyor Map Checking Fee by adding the words "whichever is higher"

The Budget Committee requested that Staff review the current fee schedule and compare our application filing fees with those of other LAFCos. A preliminary review of other fee schedules indicates a wide variety of ways to charge for services and would require more time for a thorough review. Staff will present its analysis at the final budget hearing June. There is no requirement that the fee schedule must be approved with the budget. If the Commission desires, an approval for the fee schedule can be postponed until a later date.

Chairman Johnson opened the floor to Commissioner Comments.

Chairman Johnson stated regarding the budget discussion that Mr. Jim Glaser, Executive Officer will receive a 7% salary increase that will be retroactive to January 2019; and then will receive another 7% increase in January 2020.

Chairman Johnson opened the floor to Public Comments.

No one came forward.

Chairman Johnson closed the floor to Public Comments.

It was moved by Commissioner Patti, seconded by Commissioner Villapudua, to approve the LAFCo Preliminary Budget, Work Program for Fiscal Year 2019-2020 as presented and schedule a Public Hearing for June 13, 2019 to consider the Final Budget, Work Program and Schedule of Fees, including the Executive Officer 7% salary increase that will be retroactive to January 2019; and then will receive another 7% increase in January 2020.

The motion passed by a unanimous vote of the Commission.

PUBLIC COMMENTS

9. Persons wishing to address the Commission on matters not otherwise on the agenda.

No one came forward

Chairman Johnson closed the public comments.

EXECUTIVE OFFICER COMMENTS

10. Comments from the Executive Officer

Next Commission Meeting will be on Thursday, June 13, 2019. Items on the agenda include the Final Budget as well as the Public Hearing for Byron-Bethany Irrigation District and the West Side Irrigation District's MSR. The City of Tracy MSR workshop will be in June and the Public Hearing in July.

Chairman Johnson opened the floor to Commissioner Comments.

Commissioner Patti inquired on the requirements on the contributions the Cities and County make to LAFCo.

James Glaser, Executive Officer, stated that they can be raised once a year and that there is no limit on an increase on the contributions but you can not go retroactive on the contributions.

Commissioner Morowit inquired if Prop 218 applies to this.

Rod Attebery, Legal Counsel, stated that it does not.

Chairman Johnson thanked Mr. Glaser for the great job he does for LAFCo, and that LAFCo is lucky to have him in charge.

Chairman Johnson stated that he would convene an ad hoc committee in the future regarding secession planning.

Chairman Johnson also stated that he will not be in town for the June LAFCo meeting.

10:58 a.m. – Chairman Johnson adjourned the meeting to Thursday, June 13, 2019.

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

June 13, 2019

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **CITY OF STOCKTON OUT-OF-AGENCY SERVICE REQUESTS**

Recommendation

It is recommended that the Commission approve the requests from the City of Stockton to provide out-of-agency sewer service under the Government Code §56133 to properties located at 1925 E. Ninth Street, and 254 E. Fourth Street, Stockton.

Background

Government Code Section §56133 states that the Commission may authorize a city or special district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization and that prior to providing new or extended service, the city or district must first receive approval from LAFCo. The Commission adopted a policy that conditions their approval for out-of-agency service requiring the recordation of an agreement with the landowner consenting to annexation of their property when annexation becomes feasible.

The City of Stockton submitted requests for approval to extend sanitary sewer services to single family residences outside the city limits but within the City's sphere of influence. A vicinity map is attached showing the locations of each out-of-agency request. Connections to City sewer lines are available to the properties and the property owners have paid the appropriate connection fees to the City. The requests for out-of-agency service are in compliance with the Government Code §56133 and Commission policies. Staff recommends approval of the attached Resolution 1406 approving out-of-agency services.

Attachment: Resolution No. 1406
Vicinity Map

Resolution No. 1406

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION
COMMISSION APPROVING AN OUT-OF-AGENCY SANITARY SEWER
SERVICE FROM THE CITY OF STOCKTON TO 1925 E. NINTH STREET, AND
254 E. FOURTH STREET, STOCKTON.**

WHEREAS, the above-reference requests have been filed with the Executive Officer of the San Joaquin Local Agency Formation Commission pursuant to §56133 of the California Government Code.

NOW THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

- Section 1. Said out-of-agency service request is hereby approved.
- Section 2. The proposal is found to be Categoricaly Exempt from CEQA.
- Section 3. The proposal is subject to the following conditions:
- a. Prior to connection to the city sewer or water, the City of Stockton shall record a covenant and agreement with the property owners to annex to the City of Stockton in a form acceptable to the Executive Officer.
 - b. This approval and conditions apply to current and future property owners.

PASSED AND ADOPTED this 13th day of June, by the following roll call votes:

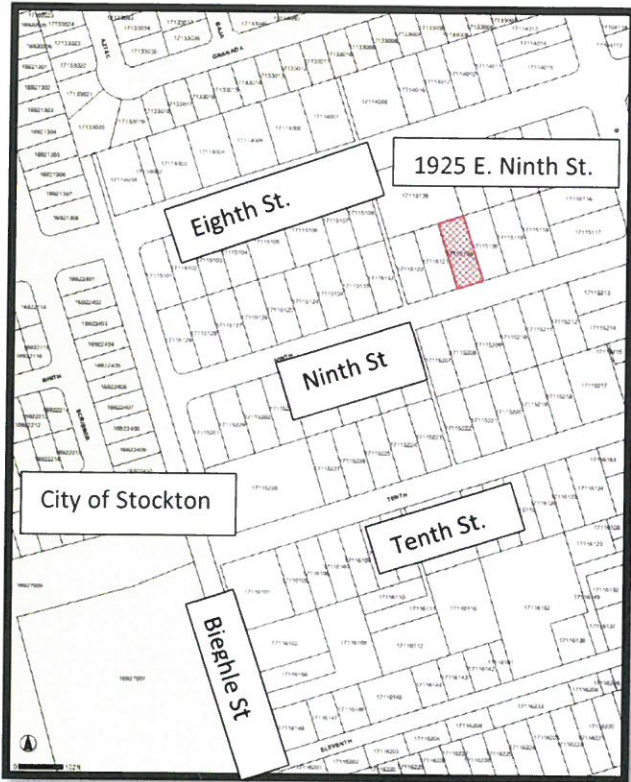
AYES:

NOES:

ABSENT:

Peter M. Johnson, Chairman
San Joaquin Local Agency
Formation Commission

Res. No. 1406
06-13-19



LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

June 13, 2019

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **City of Tracy Draft Municipal Service Review (MSR) and /Sphere of Influence (SOI) Workshop (LAFCo 14-19)**

Recommendation

It is recommended that after receiving testimony and providing comments on the Draft Municipal Service Review/Sphere of Influence Plan for the City of Tracy that the matter be scheduled for a public hearing on July 11, 2019.

Background

A Municipal Service Review (MSR) is a comprehensive review of an agency intended to obtain information about the agency's ability to provide services. Its purpose is to evaluate the provision of services from a comprehensive perspective and recommend actions, when necessary, to promote the efficient provision of those services. Service reviews are intended to serve as a tool to help LAFCo, the public and other agencies better understand the public service structure and evaluate options for the provision of efficient and effective public services that the agency currently provides. State law requires that LAFCo update Spheres of Influence and prepare a Municipal Service Review in conjunction with that update.

The MSR is required by the Cortese-Knox-Hertzberg Act to have six categories, as defined by the San Joaquin LAFCo "Service Review Policies" December 14, 2012. Each of these categories requires a written determination. The six categories are as follows:

- Growth and Population Projections for the Affected Area
- The Location and Characteristics of any Disadvantage Unincorporated Communities within or Contiguous to the Sphere of Influence

- Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies
- Financial Ability of Agencies to Provide Services
- Status of and Opportunities for Shared Facilities
- Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

In determining a sphere of influence, the Commission is required to consider and make written determinations with respect to the following factors (Government Code Section 56425):

- The Present and Planned Land Uses in the Area, Including Agricultural and Open Space Lands.
- The Present and Probable Need for Public Facilities and Services in the Area.
- The Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide.
- The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines that they are Relevant to the Agency.
- The Present and Probable Need for those Public Facilities and Services within any Disadvantaged Unincorporated Communities (DUCs) within the Sphere of Influence.

The Sphere of Influence for the City of Tracy was last updated in 2012 and was approved by the Commission for a 5-10 and a 30-year planning period. At a special meeting of the Commission on April 22, 2019, the Commission adopted a policy that future annexations to the City will detach from Tracy Rural Fire Protection District. The Draft Municipal Service Review (MSR) and Sphere of Influence Plan (SOI) reflects this requirement. The City has proposed an alternate sphere plan for consideration by the Commission and is included in Appendix A. The alternative plan focuses on the expansion of the 10-year planning horizon and is the subject of the following discussion:

Planning Horizons

In 2007, the Commission adopted policies and procedures for Spheres of Influence. As a part of this policy the Commission adopted a standard that depicted specific timeframes for the Spheres of Influence. Prior to that time, the Commission had no time frame for Spheres of Influence. Cities would often times request an extensively large area to provide flexibility for growth and to prevent other cities from claiming territory near their city. This was never the intent of a Sphere of Influence. Furthermore, the Municipal Service Review, prepared in conjunction with the Sphere of Influence update, needs to reflect a realistic time frame. The Commission initially proposed a 20-year planning horizon. This proposal was met with opposition from the City of Tracy. The City of Tracy's Sphere of Influence at that time had sufficient territory to provide growth for approximately 150 years. The Commission ultimately compromised on their position by adopting a 30 year planning horizon. However, in doing so, the Commission also imposed a planning increment of between 5 and 10 years. The adopted language reads as follows:

“Sphere horizons” or planning increments should depict the agency’s logical boundary at the time period of between 5 and 10 years and at the end of the 30-year time frame.

The Commission also recognized that during the five year period between reviews, an agency may wish to pursue development outside of its 10-year horizon. The Commission made an accommodation for these situations by allowing an amendment without changes, if appropriate, to the Municipal Service Review of the agency in order to streamline these type of amendments. This provision was recently used by the City of Manteca for the Griffin Park development in February 2018.

Sphere of Influence Plans are a LAFCo responsibility and the Commission is the sole authority as to the sufficiency of the documentation and the Plan’s consistency with law and LAFCo policy.

City of Tracy’s Requested Planning Horizons

The Draft Municipal Service Review and Sphere Plan (dated May 2109) reflects LAFCo’s staff independent review and judgement and has been circulated for comment and will be the subject of discussion at the upcoming workshop. The City of Tracy has proposed an alternate Sphere of Influence plan shown in Appendix A. This proposal greatly expands the territory in the 10-year planning horizon and includes lands in the 100-year floodplain for inclusion in the first planning period. Although not specifically explained, it appears the City wishes to have the greatest amount of flexibility for growth within the sphere. It is staff’s opinion, however, that this proposal is inconsistent with adopted LAFCo policy and should not be considered. It is simply impossible that growth could occur in the time frames specified in their proposal.

The following sections will compare and contrast the difference of the two proposals graphically and analytically.

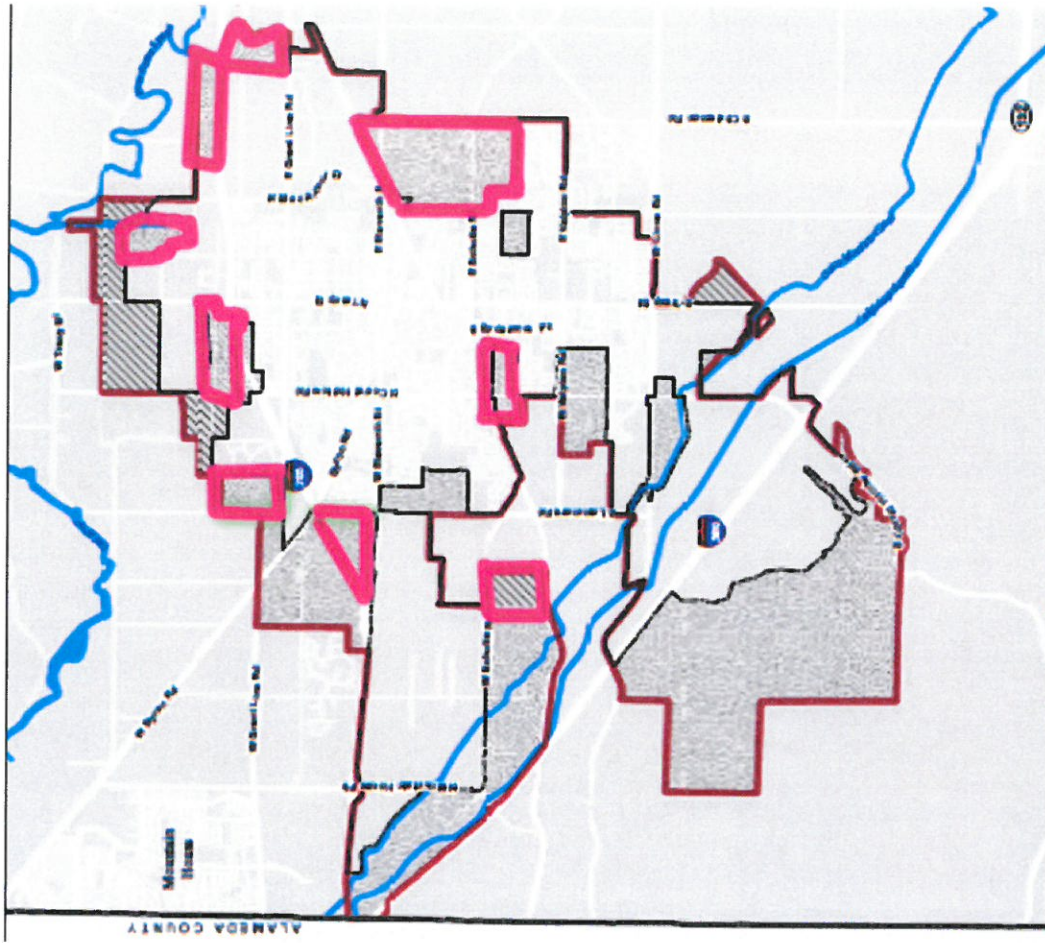
The Maps

Map 1 identifies the differences spatially. For the most part, the City-requested planning horizons substantially expands the areas included in the 10-year planning horizon. Only one small area under the City-requested planning horizons changes lands from a 10-year period to a 30-year period. The City boundary is the same as well as the ultimate sphere boundary. The difference is the number of acres in the 10-year planning horizon. The draft document includes 6,274 acres in the 10-year plan and the City-requested plan includes 8,243 acres. Although minor in appearance, these changes result in dramatically different population projections.

Population Projections

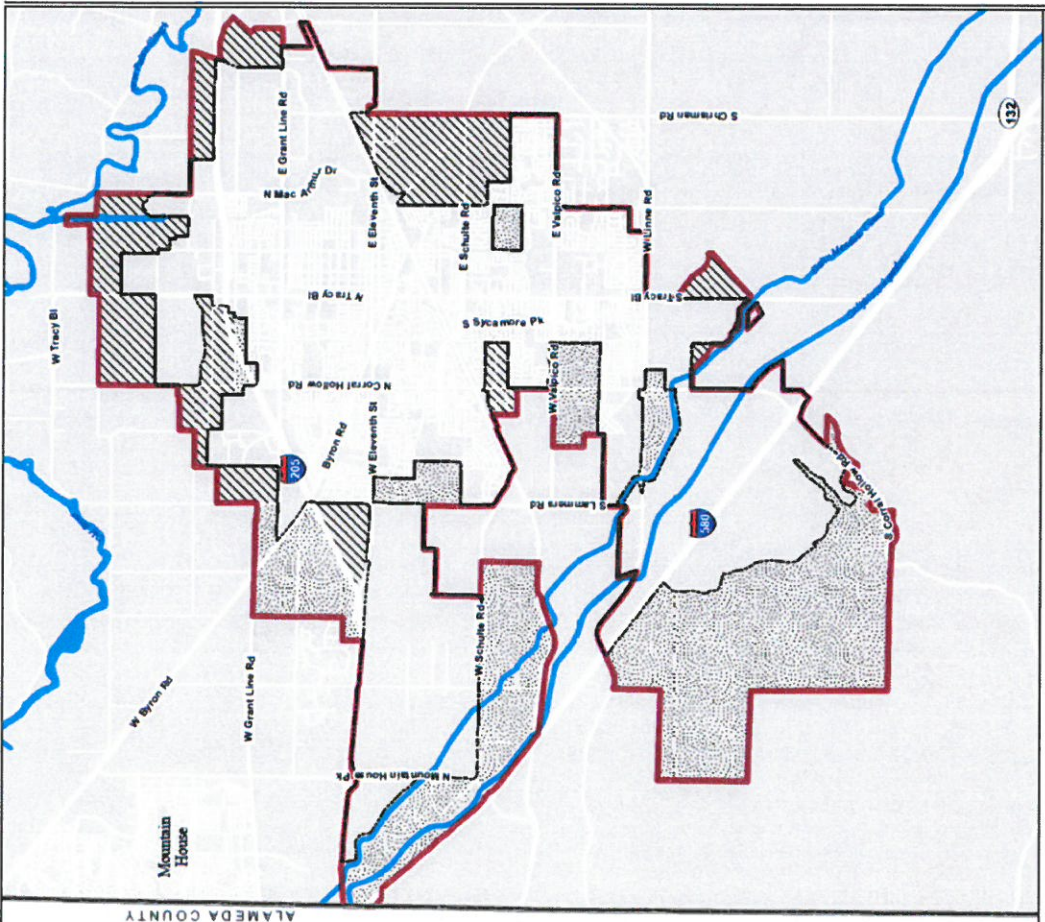
State law requires both Municipal Service Reviews and Sphere of Influence Plans to include a section on growth and population projections for the affected area and the present and planned land uses in the area, including agricultural and open space land. The

Alternative SOI Proposed by Tracy



TRACY MUNICIPAL SERVICES REVIEW
 Figure 1-1. City-Requested Planning Horizons

Proposed SOI



TRACY MUNICIPAL SERVICES REVIEW
 Figure 1-1. Planning Horizons

purpose is to insure that projections for future growth and population patterns are integrated in an agency's planning function. This analysis will be used to determine whether the sphere boundary reflects expected growth boundaries. Growth and population projections should correspond to the sphere horizon and phasing plan depicted in the Sphere of Influence.

The Municipal Service Review and Sphere of Influence Plan used various population forecasting models. The City of Tracy's current population (January 2019) is estimated by the State Department of Finance at 92,800 people. One model was the San Joaquin Council of Governments (SJCOG) forecast. This model projects that Tracy's population is anticipated grow to 109,492 by 2030, as shown in **Table 2-2**. The SJCOG population projections shown in **Table 2-2** are based on the growth projections developed by the Eberhardt School of Business at University of the Pacific (UOP) in collaboration with SJCOG. However, these projections do not include growth in Tracy associated with annexations. The City of Tracy has adopted a Growth Management Ordinance (GMO) that limits the number of permits that can be issued each year. The SJCOG model indicates that projections for Tracy represent reduced growth that takes into account the GMO; however, these projections do not appear to address the GMO provisions that allow additional permits to be issued to meet the City's Regional Housing Needs Allocation and to establish 600 active adult allocations for Tracy Village, as shown in **Table 2-2**. According to the report, in order to consider the full growth potential within the City and SOI, **Table 2-2** identifies the SJCOG projections as well as the growth planned for by the City based on 1) the maximum growth allowed under the City's GMO, including Active Adult Residential Allocations with no annexation of existing units, and 2) the maximum growth allowed under the City's GMO and Active Adult Residential Allocations with annexation of existing units in areas of the SOI that are designated for residential use by the General Plan. In summary, the three models project a population of between 109,492 thru 120,348 persons by 2030 (11 years) which is an increase of 16,692-27,549 persons over the current population. At a household size of 3.54 persons per dwelling unit, between 4,715 units to 7,782 units are needed to satisfied expected housing demand.

Table 2-2 Comparative Population Projections

YEAR	SJCOG FORECASTED POPULATION (CITY LIMITS)	MAXIMUM GROWTH ALLOWED UNDER CITY'S GMO AND ACTIVE ADULT RESIDENTIAL ALLOTMENTS (NO ANNEXATION OF EXISTING UNITS)	MAXIMUM GROWTH ANTICIPATED BASED ON CITY'S GMO, ACTIVE ADULT RESIDENTIAL ALLOTMENTS, AND ANNEXATION OF EXISTING UNITS
2020	95,040	97,865	97,865
2025	102,236	108,885	109,851 ¹
2030	109,492	119,382	120,348¹
2035	118,130	129,878	130,844 ¹
2040	127,933	140,375	141,341 ¹
2045	137,784	150,872	151,838 ¹
2050	147,782	161,369	162,335 ¹

New Residential and Employment Growth under the Proposed Plan and under the City Requested Alternative

The following charts provides a comparisons of the two proposals

Proposed Plan Table 2-3 New Residential and Employment Growth (City and SOI Capacity)

	ACRES	DWELLING UNITS ⁷	POPULATION ⁷	JOBS ⁷
Existing City Limits Capacity				
Existing Development within City Limits ¹	8,134.0	26,964	92,553	22,115
Remaining Capacity within City Limits ^{2,5}	5,472.2	7,169	24,384	20,817
<i>Subtotal: Existing City Limits Capacity</i>	<i>13,606.2</i>	<i>34,113</i>	<i>117,387</i>	<i>42,932</i>
SOI Capacity				
SOI: 10-Year Horizon ^{3,5}	6,273.8	3,994	13,056	10,765
SOI: 30-Year Horizon ^{4,5}	3,151.9	3,739	12,900	14,931
<i>Subtotal: SOI Capacity</i>	<i>9,425.6</i>	<i>7,733</i>	<i>25,956</i>	<i>25,696</i>
Total	23,031.8	41,846	143,343	68,628

City Requested Plan Table 2-3 New Residential and Employment Growth (City and SOI Capacity)

	ACRES	DWELLING UNITS ⁷	POPULATION ⁷	JOBS ⁷
Existing City Limits Capacity				
Existing Development within City Limits ¹	8,134.0	26,964	92,553	22,115
Remaining Capacity within City Limits ^{2,5}	5,472.2	7,169	24,384	20,817
<i>Subtotal: Existing City Limits Capacity</i>	<i>13,606.2</i>	<i>34,113</i>	<i>117,387</i>	<i>42,932</i>
SOI Capacity				
SOI: 10-Year Horizon ^{3,5}	8,243.7	7,067	23,657	18,106
SOI: 30-Year Horizon ^{4,5}	1,182.0	272	938	7,339
<i>Subtotal: SOI Capacity</i>	<i>9,425.6</i>	<i>7,339</i>	<i>24,595</i>	<i>21,961</i>
Total	23,031.8	42,452	141,982	63,580

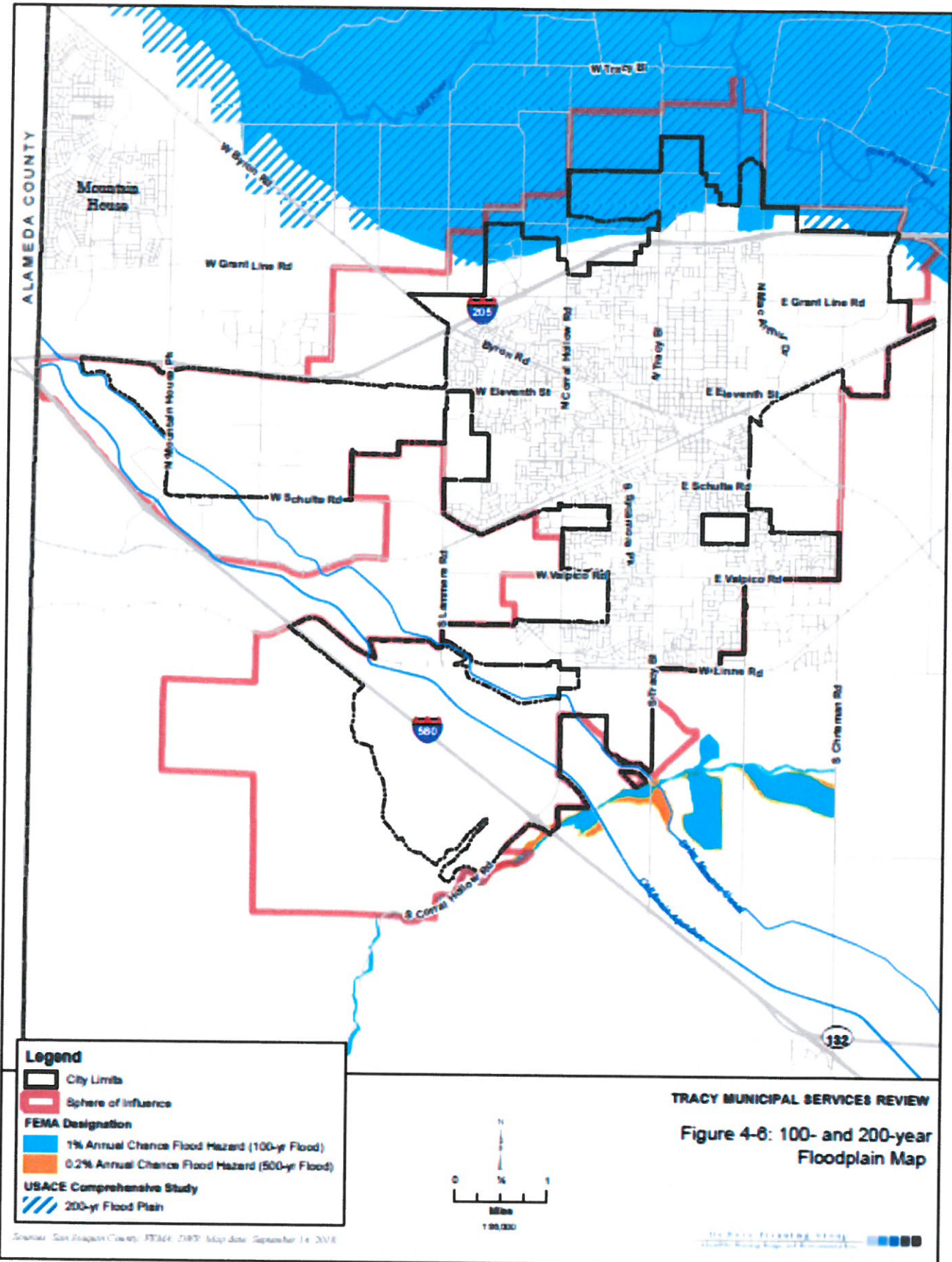
The key difference between the two proposals is the number of dwelling units proposed in the 10-year horizon. Under the proposed plan, 3,994 units are added in the 10-year horizon to the remaining capacity in the City of 7,169 units for a total of 11,163 units by 2030. This produces a maximum population capacity of 130,443 by 2030. This is in excess of the 4,715-7,782 units needed. This will allow for more than sufficient flexibility for growth.

Under the City requested alternative, 7,067 units are added in the 10-year time frame resulting in total of 14,236 units for a population capacity of 141,044 whereas the maximum forecast anticipates a population projection of 120,348. This alternative provides for **96.3%** of all residential growth anticipated within the 30 year period to occur **within the first 10 years**. This is not only unlikely to occur but it is statistically impossible to occur based on historical growth pattern and the limitations of the growth control ordinance (GMO). The job projections appear to be also unrealistic growing from 22,115 jobs in 2018 to over 61,000 jobs in the 10 years.

In summary, the City’s requested alternative is inconsistent with the adopted policies of the Commission and produces results which ignores the fundamental requirement to correlate growth and population projections with the sphere horizon and phasing plan depicted in the Sphere of Influence.

Flooding

The last issue associated with the City-requested alternative is the inclusion of lands within the 100- and 200- year floodplain (see Figure 4-6). The City’s alternative shows these lands in the 10-year planning horizon whereas the proposed plan designates these areas in the 30-year horizon. It was staff’s position during the preparation of the document that no lands should be in the sphere if it is located within a 100- or 200 year floodplain. Urban development should not be in floodplains or if they are the agency must have a plan to address this issue (i.e., SB-244). By placing these areas in a 30-year horizon, the City would have an incentive to address this issue in the future. These area are subject to inundation from Reclamation District 1007 and Reclamation District 2058. The City does not expect that these Districts will provide improvements to remove all of the 100-and 200- year floodplain risk to the northern areas of the City and SOI. However, the City does not have a strategy to address this issue and simply relies upon the concept that new development shall be required to comply with applicable local, state and federal



regulations. This is insufficient to comply with SB-244 for residential uses (both existing and new homes) and doesn't address flood protection for streets and utilities. Properties would be allowed to request a sphere amendment and demonstrate individual compliance with flood protection for LAFCo purposes. The Alvarez property could qualify for such consideration.

The document has been transmitted to the surrounding jurisdictions and districts. LAFCo has not yet received any comments. Any comments will be included in the final report.

The Commission's service review policy sets forth the procedure for public participation and public hearing. The policy requires a two-step process for the adoption of a service review: 1) a public meeting/workshop with the Commission to accept comments from the public and the Commission "prior to finalizing the document", and 2) a formal 21-day review period and public hearing. Staff will provide public notice for the July 11, 2019 meeting to meet our legal obligation for a public hearing. The Commission will be able to adopt the MSR at that meeting or may continue the matter to a future meeting.

Attached is a motion for Commission's consideration.

Motion

Moved by Commissioner _____, seconded by Commissioner _____ that the Draft Municipal Service Review/Sphere of Influence Plan for the City of Tracy be set for public hearing on July 11, 2019.

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

June 13, 2019

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **Final Municipal Service Review/Sphere of Influence Plan For Bryon-Bethany Irrigation District and The West Side Irrigation District (LAFCo 18-16)**

Recommendation

It is recommended that the Commission approve the Final Municipal Service Review and Sphere of Influence Update for Bryon-Bethany Irrigation District (BBID) and The West Side Irrigation District (TWSID). Attached are two separate resolutions for Commission's consideration.

Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires that LAFCo review and update spheres of influence every five years and to have service reviews prepared for special districts and cities. The City of Ripon submitted a draft Municipal Service Review and Sphere of Influence Update for LAFCo's consideration consistent with the Commission's policies. On May 9, 2019, the Commission held a workshop on these documents and provided comments.

A Municipal Service Review (MSR) is a comprehensive review of an agency intended to obtain information about the agency's ability to provide services. Its purpose is to evaluate the provision of services from a comprehensive perspective and recommend actions, when necessary, to promote the efficient provision of those services. Service reviews are intended to serve as a tool to help LAFCo, the public and other agencies better understand the public service structure and evaluate options for the provision of efficient and effective public services that the agency currently provides. State law requires that LAFCo update spheres of influence every five years and prepare a Municipal Service Review in conjunction with that

update. LAFCo last approved the City of Ripon Municipal Service Review and Sphere of Influence Plan on April 9, 2010.

The MSR is required by the Cortese-Knox-Hertzberg Act to have six categories, as defined by the San Joaquin LAFCo "Service Review Policies" adopted December 14, 2012. Each of these categories requires a written determination. The six categories are as follows:

- Growth and Population Projections for the Affected Area
- The Location and Characteristics of any Disadvantage Unincorporated Communities within or Contiguous to the Sphere of Influence
- Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies
- Financial Ability of Agencies to Provide Services
- Status of and Opportunities for Shared Facilities
- Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

In determining a sphere of influence, the Commission is required to consider and make written determinations with respect to the following factors (Government Code Section 56425):

- The present and planned land uses in the area, including agricultural and open space lands.
- The present and probable need for public facilities and services in the area.
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.
- The present and probable need for those public facilities and services within any disadvantaged unincorporated communities (DUCs) within the sphere of influence.

At the May 9, 2019 Commission meeting, Kateri Harrison from SWALE INC. and Bruce Baracco, Baracco and Associates, provided detailed information to the Commission regarding the ability of the Districts to provide services within its existing boundaries and its planning horizon. Rick Gilmore, General Manager Byron Bethany Irrigation District and The West Irrigation District, addressed the Commission regarding the balance between agricultural water and municipal water. The Municipal Service Review provides for the comprehensive assessment of both Districts and sets the framework for consolidation of the agencies.

Staff has prepared two resolutions (Municipal Service Review and Sphere of Influence Update) for Commission's consideration. The resolutions incorporate, by reference, determinations in accordance with the requirements specified in the California Government Code.

Since no changes have been to the draft document, the Commissioners are requested to use the previously transmitted draft document as the final report for approval. Alternatively, the

Final Municipal Service Review and Sphere of Influence Plan Update can be found on our website at www.sjgov.org/commison/lafco.

Attachments: Resolution No. 1407
Resolution No. 1408
Initial Study and Proposed Mitigated Negative Declaration for the Byron-Bethany Irrigation District and The West Side Irrigation District Sphere of Influence (State Clearinghouse No. 201905902)

Resolution No. 1407

**Before the San Joaquin Local Agency Formation Commission
Approving the Bryon-Bethany Irrigation District and The West Side Irrigation
District Municipal Service Review**

WHEREAS, Section 56430 of the Government Code requires the Commission to conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission; and

WHEREAS, the Commission must prepare a written statement of its determinations with respect to six specific topics; and

WHEREAS, the Commission held a workshop on May 9, 2019 and received comments; and

WHEREAS, the Commission held a public hearing on the proposed Municipal Service Review on June 13, 2019 in the Board of Supervisors Chambers, 44 North San Joaquin Street, Stockton, California, pursuant to notice of hearing which was posted, and published in accordance with State Law; and

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the Municipal Service Review, and all persons present were given an opportunity to be heard; and

WHEREAS, this Commission has duly considered the Bryon-Bethany Irrigation District and The West Side Irrigation District Municipal Service Review dated June 13, 2019, 2019; and

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Certifies that the proposal is found to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 of the CEQA Guidelines.

Section 2. The determinations required by Section 56430 of the Government Code have been made within the final Municipal Service Review dated June 13, 2019 and are incorporated herein by reference.

Section 3. The Bryon-Bethany Irrigation District and The West Side Irrigation District Municipal Service Review is hereby approved.

Section 4. The Executive Officer is hereby authorized and directed to distribute copies of the adopted Municipal Service Review and this Resolution to affected agencies and

interested parties.

PASSED AND ADOPTED this 13th day of June 2019 by the following roll call votes:

AYES:

NOES:

PETER M. JOHNSON, Chairman
San Joaquin Local Agency
Formation Commission

Resolution No. 1408

**Before the San Joaquin Local Agency Formation Commission
Approving the Bryon-Bethany Irrigation District and The West Side Irrigation
District Sphere of Influence Update**

WHEREAS, Section 56425 of the Government Code requires the Commission to review and update each Sphere of Influence every five years; and

WHEREAS, Section 56076 of the Government Code provides that “Sphere of Influence” means a plan for the probable physical boundaries and service area of a local governmental agency; and

WHEREAS, the Commission must prepare written statements of its determinations with respect to five specific factors; and

WHEREAS, a Municipal Service Review in compliance with Section 56430 of the Government Code has been prepared in conjunction with this Sphere of Influence Update; and

WHEREAS, the Commission held a workshop on May 9, 2019 and received comments; and

WHEREAS, the Commission held a public hearing on the Sphere of Influence Update on June 13, 2019 in the Board of Supervisors Chamber, 44 North San Joaquin Street, 6th Floor, Stockton California, pursuant to notice of hearing which was posted and published in accordance with State Law; and

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the Sphere of Influence update, and all persons present were given an opportunity to be heard; and

WHEREAS, this Commission has duly considered the Bryon-Bethany Irrigation District and The West Side Irrigation District Sphere of Influence Update; and

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Certifies that, as a Responsible Agency, the Commission has independently reviewed and considered Byron-Bethany Irrigation District and The West Side Irrigation District’s Mitigated Negative Declaration (State Clearinghouse No. 2019059012) and adopts the CEQA Finding of Facts and Mitigation Measures as certified by Byron-Bethany Irrigation District and The West Side Irrigation District.

Section 2. The determinations required by Section 56428 of the Government Code have been made and are within the Sphere of Influence Update and are incorporated herein by reference.

Section 3. The Byron-Bethany Irrigation District and The West Side Irrigation District Sphere of Influence Update is hereby approved and is depicted in Exhibit A, attached.

Section 4. The Executive Officer is hereby authorized and directed to distribute copies of the adopted Sphere of Influence Update and this resolution to affected agencies and interested parties.

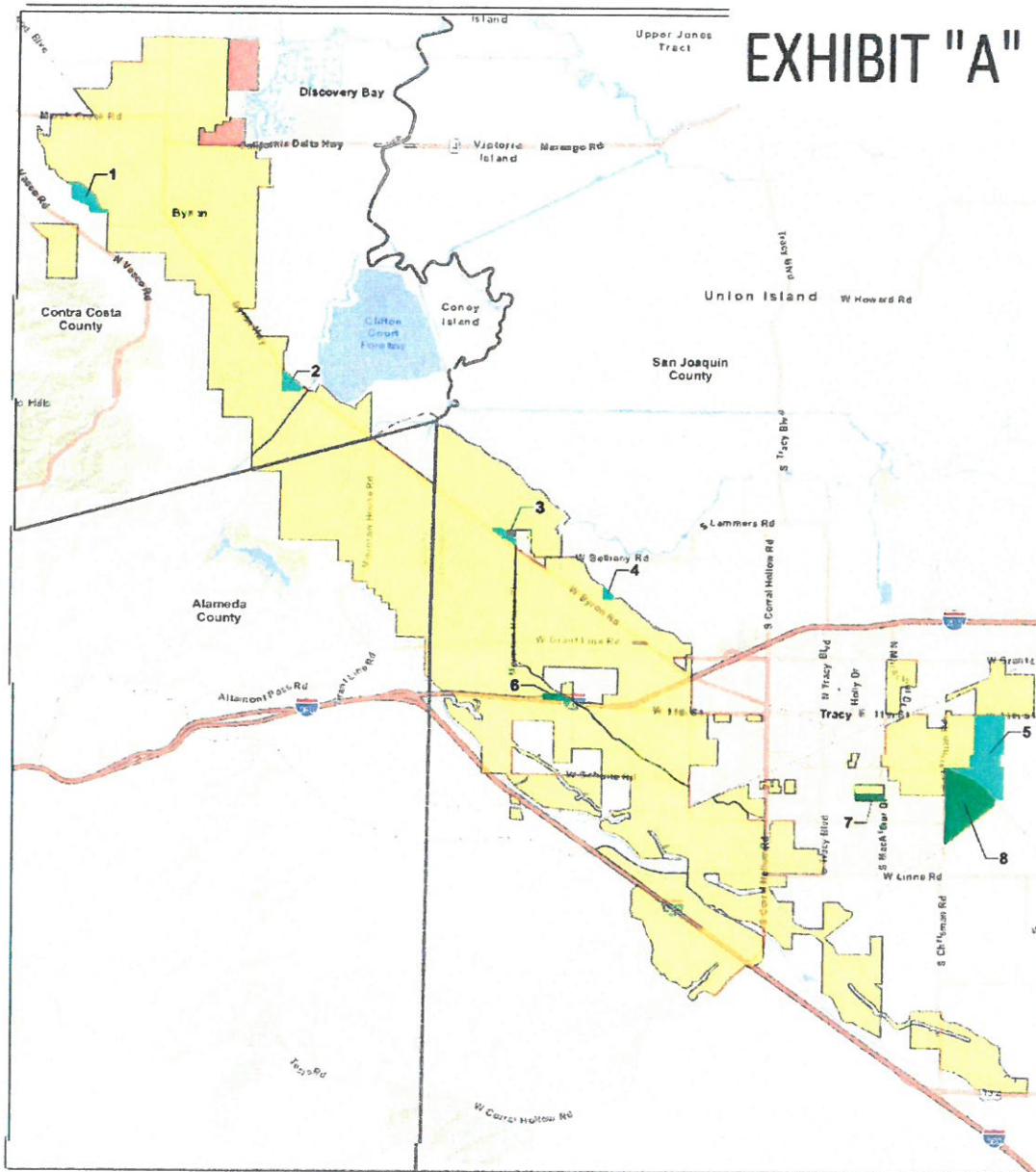
PASSED AND ADOPTED this 13th day of June 2019 by the following roll call votes:

AYES:

NOES:

PETER M. JOHNSON, Chair
San Joaquin Local Agency
Formation Commission

EXHIBIT "A"



LEGEND

- Byron Bethany Irrigation District and The West Side Irrigation District
- Raw Water Service – Additions to SOI
- Discovery Bay Area to be removed from SOI
- Drainage Parcels – Additions to SOI

Note: Proposed consolidated District of BBID and TWSID shown in yellow



Byron Bethany Irrigation District, California

Initial Study
and
Proposed Mitigated Negative Declaration

for the
Byron Bethany Irrigation District --
The Westside Irrigation District
Sphere of Influence Update

Lead Agency:

Byron Bethany Irrigation District
and
The Westside Irrigation District

Responsible Agency:

San Joaquin Local Agency Formation Commission

Prepared By:

Baracco and Associates

State Clearinghouse No. _____

Draft Document

May 2019

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1. Introduction and Project Description

This Project Information, Description, and Environmental Checklist contained herein constitute the contents of an Initial Study in accordance with Section 15063 of the California Environmental Quality Act (CEQA) Guidelines:

Project Title: Byron Bethany Irrigation District -- The Westside Irrigation District Sphere of Influence Update

Lead Agency: Byron Bethany Irrigation District and
The Westside Irrigation District
7995 Bruns Road
Byron CA 94514

Contact Information: Rick Gilmore, General Manager
209-835-0375
r.gilmore@bbid.org

Responsible Agency: San Joaquin Local Agency Formation Commission (San Joaquin LAFCo)
509 W Weber Avenue, Suite 420
Stockton CA 95203

Project Location: Byron Bethany Irrigation District (BBID) is located in southwest San Joaquin County, as well as portions of northeast Alameda County and portions of southeast Contra Costa County. The Westside Irrigation District (TWSID) is located in southwestern San Joaquin County. (Refer to Figure 3-2: Relation of Three Counties to District Boundaries)

Area Land Use

Located in a major agricultural area, both BBID and TWSID provide irrigation water for commercial agriculture including row crops, orchards, vineyards, and hay/alfalfa. In addition BBID provides raw water to the Mountain House Community Services District for municipal purposes.

General Plan Designation

Within San Joaquin County, land within BBID is generally designated as General Agriculture (A/G) with minimum parcel sizes ranging from 20-acres to 160-acres. Land within TWSID includes both agricultural land designated A/G, as well as a range of urban uses for District land within the Tracy City Limits. Within Alameda County, lands within BBID are designated as Large Parcel Agriculture (320-acre minimum). Within Contra Costa County, lands within BBID are designated as Agriculture Core (AC) and Agricultural Lands (AL); primarily 40-acre and 80-acre minimum.

Zoning

Within San Joaquin County, land within BBID is generally zoned General Agriculture (AG Zone). Land within TWSID is zoned AG, as well as a range of zoning districts for District land within the Tracy City Limits. Within Alameda County, lands within BBID are zoned Agricultural (A District). Within Contra Costa County, lands within BBID are zone Agriculture (A-2 District) and Heavy Agriculture (A-3 District).

Surrounding Land Uses

Lands adjacent to both BBID and TWSID are primarily agricultural in nature. Adjacent to the BBID boundary in Contra Costa County is the Discovery Bay unincorporated community. For more details regarding area land uses refer to Section 4.2 of the Municipal Service Review beginning on page 4-6.

Project Description

Environmental Considerations

The subject of this Initial Study/Proposed Mitigated Negative Declaration (IS/MND) is an Update to the Sphere of Influence (SOI) for the consolidated Byron Bethany Irrigation District (which includes The Westside Irrigation District territory). An SOI Update is characterized as a 'project' and is subject to environmental review under the California Environmental Quality Act (CEQA).

The underlying project is the consolidation of the Byron Bethany Irrigation District (BBID) and The Westside Irrigation District (TWSID); which will be accomplished through dissolution of TWSID and annexation of that territory into BBID. This action is categorically exempt from environmental review under Class 20 (Section 15320) – Change in Organization, of the California Environmental Quality Act (CEQA) Guidelines. This categorical exemption allows changes of organization involving the consolidation of two or more districts having identical powers.

Much of the analysis developed for the SOI Update is contained within a Municipal Service Review (MSR) prepared for the San Joaquin Local Agency Formation Commission (San Joaquin LAFCo) by SWALE, Inc, dated March 22, 2019, and incorporated herein by reference. The MSR is categorically exempt from environmental review under Class 6 (Section 153306) – Information Collection, of the CEQA Guidelines. This categorical exemption allows for the preparation of studies leading to an action which a public agency has not yet approved, adopted, or funded (e.g., adoption of an SOI Update by San Joaquin LAFCo).

Overall Project Description

At the present time, the Spheres of Influence for the two districts (as separate and distinct districts) are Spheres which are 'coterminous' with each district's boundary; that is, the SOI boundary and the District boundary are one in the same.

Chapter 8 of the Municipal Service Review addresses Sphere of Influence considerations for both BBID and TWSID.

As proposed in Chapter 8, five options for updating the SOI are described as follows:

1. Retain the existing boundaries and SOI for BBID and TWSID as separate entities;
2. Consolidate the two districts without expanding either boundaries or SOI for either district;
3. Modify the SOI for BBID to reflect the addition three study areas, and reduce the SOI to reflect the Discovery Bay detachments approved in 2016;
4. Expand the SOI for TWSID to include the addition of two study areas along with two parcels for drainage purposes;
5. Consolidate both districts into one BBID successor district, add five study areas and two drainage parcels to the consolidated SOI, plus reduce the consolidated SOI in the Discovery Bay area to reflect detachments from BBID that took place in 2016. This option combines Options 2, 3 and 4, above.

Refer to Figure8-5 for locational details regarding these options.

Option 1 would not change the current individual SOI for each district, and as such, would be characterized as a 'No Project' alternative under CEQA.

Option 2 is similar to Option 1 and would also likely be considered a 'No Project' alternative since the two districts currently have a common boundary along portions of their respective district boundaries.

Option 3 would treat BBID as a separate district, and would add three areas totaling 171 acres to the BBID SOI, as well as reduce the BBID by 480 acres to reflect detachment of territory from BBID in 2016 that overlapped with the Discovery Bay Community Services District.

Option 4 would treat TWSID as a separate district, and would add two areas totaling 488 acres to the TWSID SOI, along with two drainage parcels totaling 174 acres.

Option 5 is the most comprehensive of the five options and incorporates elements of Options 2, 3 and 4. For purposes of environmental review, this option will be analyzed under the Environmental Checklist items beginning on page ___.

Detailed Project Description – Option 5

As indicated in Options 3 and 4 above, 'study areas' outside the existing District Boundary and SOI have been identified for possible future annexation. Each district has evaluated these study areas, and has determined that each district has the technical capacity to provide service (i.e., irrigation water) at some point in the future; or in the case of the drainage parcels, may require drainage management by the district.

Refer to Figure 8-5 for locational details regarding these options.

Study Areas within BBID:

Study Area No. 1 is a 92.8 acre area in Contra Costa County, commonly referred to as the Lawrence Property. Annexation of this property has been initiated by the property owner who has an annexation agreement with the BBID Board of Directors which would allow the property to be entitled to water for agricultural, municipal and industrial purposes.

Study Area no. 2 is a 45.86 acre area in Contra Costa County consisting of two parcels and is being actively farmed.

Study Area No 3 is a 32-acre parcel located in San Joaquin County and is being actively farmed. This parcel is also within the Mountain House planning Area with a General Plan Land Use designation of Open Space or Parks and Recreation (OS/PR).

Study Areas and Drainage Parcels within TWSID:

Study Area No. 4 is a 15.6 acre parcel located in San Joaquin County and is being actively farmed. The property is within the City of Tract Planning Area with a General Plan Land Use designation of General Agriculture (A/G), and is zoned AG-40 (General Agriculture, 40-acre minimum parcel size).

Study Area No. 5 consists of four parcels comprising 472-acres. These parcels currently receive irrigation water from the District and are being actively farmed.

Drainage Parcel No. 1 is a 40.24 acre parcel west of Tracy north of Interstate 205.

Drainage Parcel No. 2 is a 33.59 acre parcel on the east side of Tracy.

Overall, adding the Study Area Parcels and Drainage Parcels would add 732 acres to the consolidated BBID SOI, which is approximately 2.0 percent to the total SOI..

Public Agencies Whose Approval is Required

Board of Directors, Byron Bethany Irrigation District

Board of Directors, The Westside Irrigation District

San Joaquin Local Agency Formation Commission

California Native American Tribal Consultation

Native American Tribes associated with Alameda, Contra Costa, and San Joaquin Counties have been invited to consult with BBID and TWSID under the provisions of AB 52. The following tribes have been notified:

Amah Mutsun Tribal Band

Muwekma Ohlone Indian Tribe of the San Francisco Bay Area

Amah Mutsun Tribal Band of Mission San Juan Bautista

North Valley Yokuts Tribe

Buena Vista Rancheria of MeWuk Indians

The Ohlone Indian Tribe

Indian Canyon Mutsun Band of Costanoan

United Auburn Indian Community of the Auburn Rancheria

Ione Band of Miwok Indians

Wilton Rancheria

To date, no requests for consultation have been received.

Referenced Documents

A number of General Plan and environmental documents have been consulted in the preparation of this Initial Study/Mitigated Negative Declaration, and are incorporated herein by reference, as follows:

County of San Joaquin

2035 General Plan Draft Environmental Impact Report

ESA Associates

October 2014

2035 General Plan Final Environmental Impact Report

ESA Associates

September 2016

City of Tracy

General Plan 2011 Final Supplemental Environmental Impact Report

Design Community & Environment

December 1, 2010

General Plan 2011 Recirculated Draft Supplemental Environmental Impact Report

Design Community & Environment

July 22, 2010, 2010

General Plan 2011 Draft Supplemental Environmental Impact Report

Design Community & Environment

April 22, 2009

County of Contra Costa

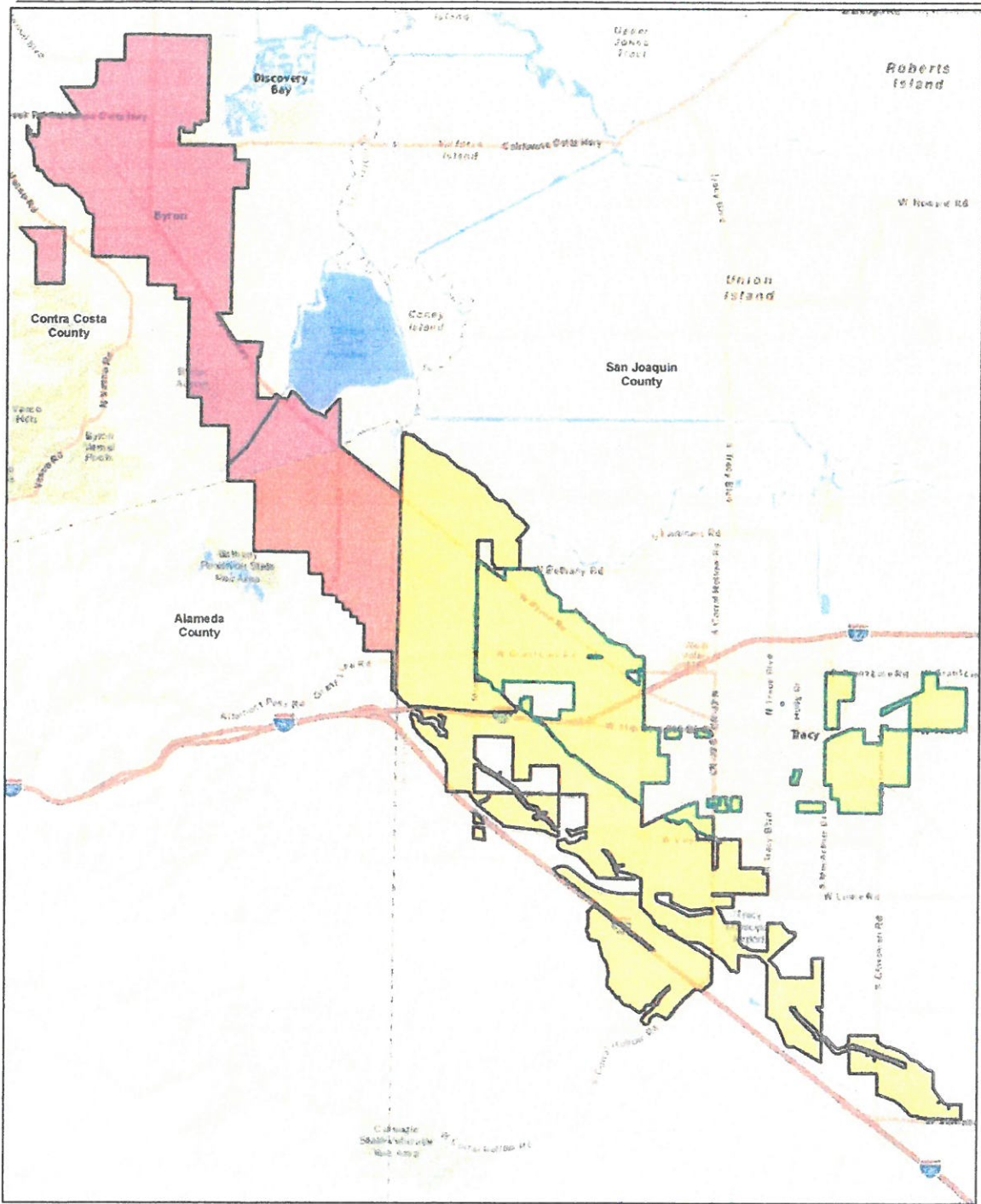
2005-2020 General Plan

January 18, 2005

County of Alameda

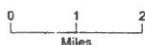
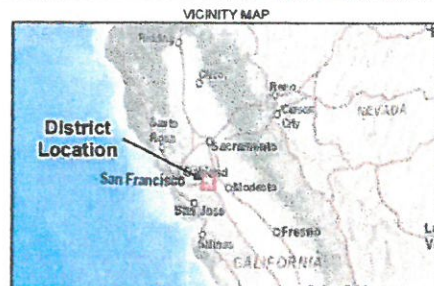
East County Area Plan, A Portion of the Alameda County General Plan

May 5, 1994

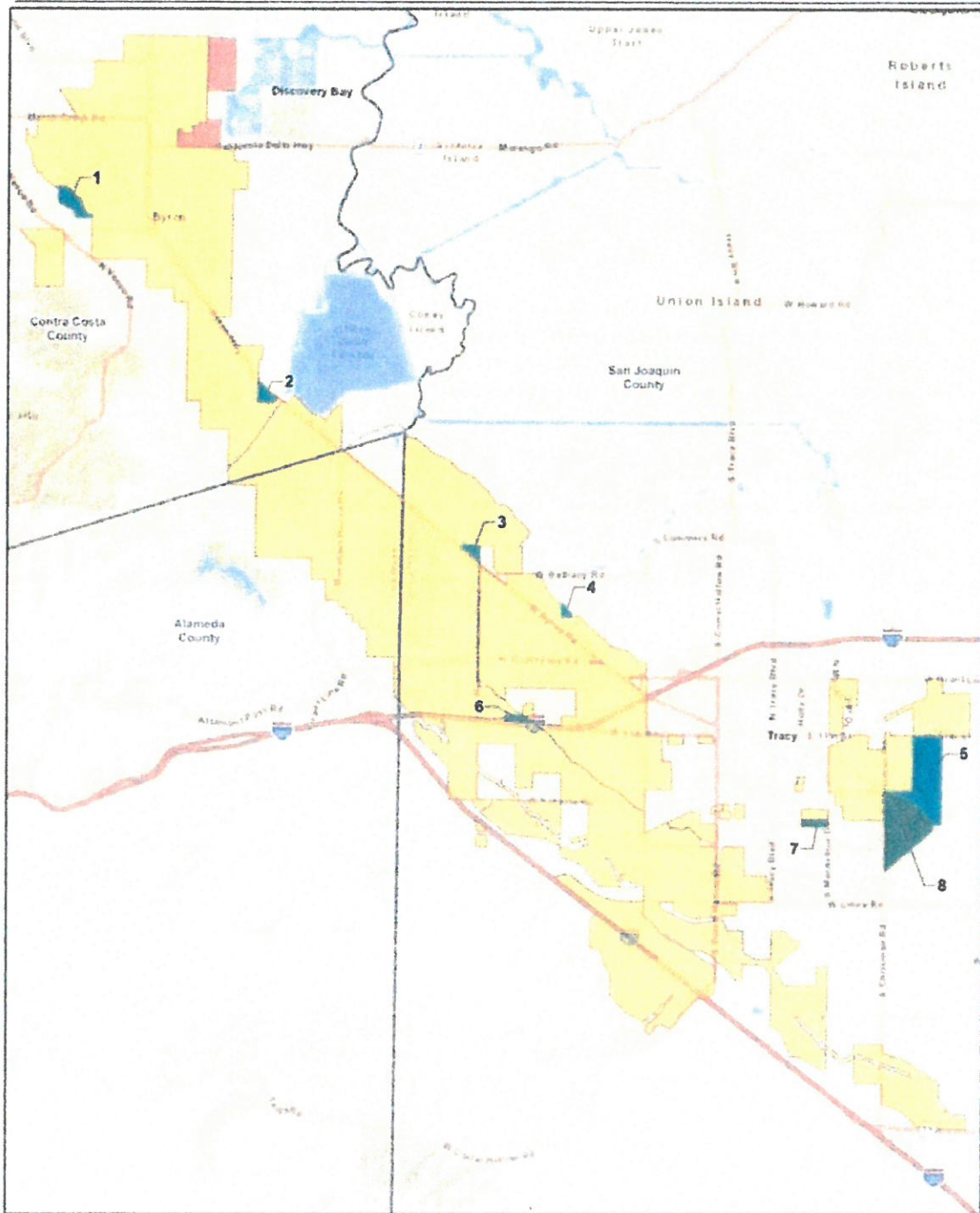


- LEGEND**
- Byron Bethany Irrigation District
 - The West Side Irrigation District
 - Alameda County
 - Contra Costa County
 - San Joaquin County

Figure 3-2: Relation of Three Counties to District Boundaries



Service Layer Credits: Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom
 Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



- LEGEND**
- Byron Bethany Irrigation District and The West Side Irrigation District
 - Proposed Sphere of Influence for Consolidated District
 - Discovery Bay Area to be removed from SOI
 - Drainage Parcels - Additions to SOI

Figure 8-5: Proposed SOI for Consolidated District

Note: Proposed consolidated District of BBID and TWSID shown in yellow



Byron Bethany Irrigation District, California

Service Layer Credits: Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IFC, TomTom
 Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri Thailand, Mapbox, Swisstopo, © OpenStreetMap contributors, and the GIS User Community

Regulatory Guidance

This document is an initial study, which provides justification for a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA). This Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State CEQA Guidelines 14 California Code Regulations Section 15000 et seq.

An initial study is conducted by the Lead Agency to determine if a project may have a significant effect on the environment. In accordance with the CEQA Guidelines Section 15063, an EIR must be prepared if an initial study indicates that the proposed project under review may have a potentially significant impact on the environment. A Mitigated Negative Declaration may be prepared instead, if the Lead Agency prepares a written statement describing the reasons why the proposed project would not have a significant effect on the environment, and therefore, why it does not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a Negative Declaration shall be prepared for a project subject to CEQA when either:

- a) *The initial study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or*
- b) *The initial study identifies potentially significant effects, but:*
 - (1) *Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and;*
 - (2) *There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.*

If revisions are adopted in the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration is prepared.

2. Determination

Environmental Factors Potentially Affected

The environmental factors checked below are analyzed in this Initial Study

- | | | |
|--|--|--|
| <input type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	May 1, 2019
Signature	Date
Rick Gilmore, General Manager	BBID and TWSID

3. Proposed Mitigation Measures

The following Mitigation Measures are proposed to qualify the BBID-TWSID SOI Update for a Mitigated Negative Declaration. Refer also to each topical section discussion for details.

Mitigation for Agricultural and Forestry Resources

MM 1-1 Annexation of Study Area No. 3 to BBID shall also include rezoning the property to General Agriculture (AG Zone).

Mitigation for Cultural Resources

MM 2-1 Should any prehistoric or historic sites, features or artifacts be identified by any ground-disturbing activities, all work shall stop and the find(s) shall immediately be evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, appropriate mitigation or avoidance measures shall be made available as provided for in the CEQA Guidelines.

MM2-2: In the event of any accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains as required by law. The County Coroner shall be notified immediately of the find. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will notify the most likely descendant, who in turn, will recommend or provide disposition of the remains.

Mitigation for Geology and Soils

MM 3-1 Adhere to Rule 8081 of the San Joaquin Valley Air Pollution Control District in order to limit fugitive dust from agricultural sources.

Mitigation for Land Use and Planning

MM 4-1 Refer to Mitigation Measure 1-1.

Evaluation of Environmental Impacts:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards, (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis.)
- 2) All answers must take account of the whole action involved including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used: Identify and state where they are available for review.
 - b) Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures: For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

4. Environmental Checklist

1. Agricultural and Forestry Resources

<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p>	<p>Potentially Significant</p>	<p>Less Than Significant with Mitigation</p>	<p>Less Than Significant</p>	<p>No Impact</p>
<p>Would the project:</p>				
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>				<p>X</p>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>		<p>X</p>		
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>				<p>X</p>
<p>d) Result in the loss of forestland or conversion of forestland to non-forest use?</p>				<p>X</p>
<p>e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>			<p>X</p>	

References

California Resource Agency, Department of Conservation. *Important Farmland Mapping Program – Alameda, Contra Costa and San Joaquin Counties*. 2016.

United States Department of Agriculture, Soil Conservation Service. *Soil Survey of Alameda County*, March 1966; *Soil Survey of Contra Costa County*, September 1977; *Soil Survey of San Joaquin County*, October 1992.

Conservation Biology Institute, San Joaquin Valley Gateway. *San Joaquin County Williamson Act Parcels*. August 2015.

Contra Costa County, Department of Conservation and Development. *Agriculture Preserves Map*. 2016.

California Resource Agency, Department of Conservation. *Alameda County Williamson Act Lands*. Fiscal Year 2014-2015.

Discussion

a) Conversion of Farmland

In Alameda County, land within BBID includes Prime Farmland and Unique Farmland. The predominate soil types are Rincon clay loam, which has a Storie Index (measure of productivity) of 65 to 80 (on a scale from 0 to 100); and San Ysidro loam with a Storie Index of 45.

In Contra Costa County, land within BBID includes Prime Farmland, Farmland of State Importance, Unique Farmland, and Grazing Land. The predominate soil type is Delhi sand, which has a Storie Index of 49.

In San Joaquin County both BBID and TWSID have Prime Farmland and Farmland of Local Importance. Also, within TWSID in the immediate City of Tracy area are non-agricultural lands with urban uses. The predominate soil types are Capay clay, with a Storie Index of 69, and Stomar clay loam, with a Storie Index of 68.

Under this Sphere of Influence (SOI) Update, no lands currently within either BBID or TWSID are proposed to be converted to non-agricultural uses. Of the five 'Study Areas,' all are in agricultural production and/or are proposed to be placed in agricultural use upon annexation to either BBID or TWSID.

Determination:

No Impact.

Mitigation:

None Required.

Discussion

b) Zoning and Williamson Act

As described under 'Zoning' on page 4, lands within BBID and TWSID are primarily zoned for commercial agriculture. The same is true for the five 'Study Areas' except for Study Area No. 3, which is within the Mountain House Planning Area and is designated as Open Space or Parks and Recreation (OS/PR).

Within both districts and all three counties, there is very little land under Williamson Act Contract (estimated to be 5% of the total acreage in the combined districts). Of the five 'Study Areas,' Study Areas No. 1 and No. 2 in Contra Costa County are currently under Williamson Act Contracts., while Study Areas No. 3, No. 4, and No. 5 in San Joaquin County are not under Williamson Act contracts.

Determination:

Less than significant with mitigation.

In order to be consistent with agricultural zoning, Study Area No. 3 would need to be rezoned to Agriculture. If development plans for this parcel will be non-agricultural (i.e., Open Space, Parks, or Recreation), then annexation to an irrigation district is probably not warranted.

Mitigation:

MM 1-1 Annexation of Study Area No. 3 to BBID shall also include rezoning the property to General Agriculture (AG Zone).

Discussion

c and d) Timberland Zoning and Conversion of Forestland

There are no forestlands or lands with timberland zoning within the proposed SOI.

Determination:

No Impact.

Mitigation:

None Required.

Discussion

e) Conversion of Farmland Due to Location

The 'Study Area' parcels (with the exception of Study Area No. 3), are not planned to receive municipal services. Therefore, conversion to such lands to non-agricultural uses is unlikely.

Determination:

No Impact.

Mitigation:

None Required.

2. Cultural Resources

Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to California Code of Regulations, Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, §15064.5?				X
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

References

Mintier Harnish. *San Joaquin County General Plan Background Report, Public Review Draft*. July, 2, 2009.

Discussion

a, b, and c) Cause a Substantial Change in Historic or Cultural Resources

Most of San Joaquin County was part of the former territory of the Penutian-speaking Northern Valley Yokuts. Their territory extended from the foothills of the Coast Range east into the foothills of the Sierra Nevada, north to the Calaveras River and south to the San Joaquin River.

During the 1850's, the more productive parts of the Central Valley were taken up by farmers and stockmen, By 1885, most of San Joaquin County was under cultivation, wheat being the major crop. As agriculture increased in the Central Valley, most of the former land grants were broken up into numerous small farms, and the valley began to take on its present densely settled, highly productive aspect.

The five Study Areas and two drainage areas proposed to be added to the SOI may contain cultural or historic resources; although the likelihood is quite low since these areas are, or have been under cultivation for many years.

Determination:

Less than significant with mitigation.

Many archaeological sites in the county have been destroyed by construction, agriculture, and river erosion. Significant, and/or important cultural resources may exist in the subsurfaces of farmland. Historic remnants and artifacts may also exist, either as surface features or buried under the surface.

Mitigation:

MM 2-1 Should any prehistoric or historic sites, features or artifacts be identified by any ground-disturbing activities, all work shall stop and the find(s) shall immediately be evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, appropriate mitigation or avoidance measures shall be made available as provided for in the CEQA Guidelines.

MM2-2: In the event of any accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains as required by law. The County Coroner shall be notified immediately of the find. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will notify the most likely descendant, who in turn, will recommend or provide disposition of the remains.

3. Geology and Soils

Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i.) Rupture of a known earthquake fault, as delineated on the Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii.) Strong seismic ground shaking?			X	
iii.) Seismic-related ground failure including liquefaction?			X	
iv.) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	

References

City of Tracy. *Final Environmental Impact Report for the City of Tracy Urban Management Plan/General Plan*. 1999.

United States Department of Agriculture, Soil Conservation Service. *Soil Survey of Alameda County*, March 1966; *Soil Survey of Contra Costa County*, September 1977; *Soil Survey of San Joaquin County*, October 1992.

Discussion

a and c) Earthquakes, Seismic Ground Shaking, Liquefaction, and Landslides

The Tracy area has a low-to-moderate seismic history, with the largest recorded earthquake in Tracy measured at 3.9 on the Richter scale. Dense soils of the type present within BBID and TWSID have low susceptibility to liquefaction. The landslide risk in the Tracy area is low in most areas, especially in soils with minimal slope.

Determination:

No Impact.

Mitigation:

None Required.

Discussion

b) Soil Erosion

The five soil types described in Section 1 – Agricultural and Forestry Resources (Rincon clay loam, San Ysidro loam, Delhi sand, Capay clay, and Stomar clay loam) are characterized as having a slow runoff factor, with a water erosion hazard as 'slight.'

Determination:

Less than significant with mitigation.

During normal farming practices, erosion should not be an issue. On high wind days, care needs to be taken to prevent fugitive dust from traveling off-site.

Mitigation:

MM 3-1 Adhere to Rule 8081 of the San Joaquin Valley Air Pollution Control District in order to limit fugitive dust from agricultural sources.

4. Land Use and Planning

Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

Discussion

a) Physically Divide an Established Community

The five Study Areas and two drainage parcels proposed to be added to the SOI are located on the fringes of developed areas or within established commercial agricultural areas. These Sphere changes will not divide any existing communities.

Determination:

No Impact.

Mitigation:

None Required.

Discussion

b) Conflict with any Land Use Plan

As described in Section 1.b. on page 14, Study Area No. 3, is within the Mountain House Planning Area and is designated as Open Space or Parks and Recreation (OS/PR).

Determination:

Less than significant with mitigation.

In order to be consistent with agricultural land uses in the area, Study Area No. 3 would need to be designated as Agriculture. If development plans for this parcel will be non-agricultural (i.e., Open Space, Parks, or Recreation), then annexation to an irrigation district is probably not warranted.

Mitigation:

MM 4-1 Refer to Mitigation Measure 1-1.

5. Mandatory Findings of Significance

Mandatory Findings of Significance	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion

a-c) Substantial or Cumulative Effects to the Environment or to Humans

The proposed SOI Update would add 732 acres to the consolidated district. This is a small, but incremental increase in the number of acres within district boundaries. The Districts have demonstrated that these seven areas can be served without causing any adverse effects on the environment.

Determination:

Less than significant.

Mitigation

None Required.

6. Preparers and References

Report Preparation:

- Bruce Baracco, Principal Planner
Baracco and Associates
baraccoplanner@comcast.net

References:

Regulations, Code of (CA) (as amended). Title 14 – Natural Resources, Division 6 – Natural Resources Agency, Chapter 3 -- *Guidelines for Implementation of the California Environmental Quality Act, Appendix G – Environmental Checklist Form*. Sacramento, CA.

San Joaquin Local Agency Formation Commission. *Municipal Service Review & Sphere of Influence, Byron Bethany Irrigation District and The Westside Irrigation District, Public Review Draft*. SWALE, inc. March 22, 2019

See also references pertaining to specific checklist topics.

7. Acronyms and Abbreviations

AG	Agriculture
CEQA	California Environmental Quality Act
FL	Forestland
LAFCo	Local Agency Formation Commission
MM	Mitigation Measure
MND	Mitigated Negative Declaration
MSR	Municipal Service Review
ND	Negative Declaration
OS	Open Space
SOI	Sphere of Influence
TP	Timber Production

8. Glossary

Annexation	The inclusion of territory in a city or special district.
Contiguous	In the case of a boundary, territory adjacent to an agency to which the boundary is proposed. Territory is not contiguous if the only contiguity is based upon a strip of land more than 300 feet long and less than 200 feet wide.
District	An agency of the state, formed in accordance with general law or a special act, for the local performance of governmental functions within limited boundaries. Synonymous with "special district."
General Plan	A document containing a statement of development policies including a diagram and text setting forth the objectives of the plan. The general plan must include certain state mandated elements related to land use, circulation, housing, conservation, open-space, noise, and safety.
Initiating Petition	A document signed either by registered voters or landowners that requests LAFCo to consider a change of organization or reorganization.
Lead Agency	The public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency decides whether an EIR or Negative Declaration is required for a project, and causes the appropriate document to be prepared.
Negative Declaration	A written statement prepared by a Lead Agency that briefly describes the reasons that a project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR (See CEQA Guidelines Section 15371).
Open Space	Any parcel or area of land or water, which is substantially unimproved and devoted to an open-space use.
Prime Agricultural Land	An area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than agriculture and meets certain criteria related to soil classification or crop and livestock carrying capacity. Class I and II soils as mapped by the Soil Conservation Service, U.S. Department of Agriculture.
Project	Under CEQA, a project is the whole of an action which has the potential to result in significant environmental change in the environment, directly, or ultimately (see CEQA Guidelines Section 15378).

Responsible Agencies Under CEQA, responsible agencies are all public agencies other than the Lead Agency that have discretionary approval power over the project.

Service Review A study and evaluation of municipal services(s) by specific area, sub-region or region culminating in written determinations regarding six specific evaluation categories.

Sphere of Influence A plan for the probably physical boundaries and service areas of a city or district.

Stakeholder Refers to LAFCOs, members of the public, affected and interested agencies, and other entities interested in, and affected by, service(s) being reviewed.

Zoning The primary instrument for implementing the General Plan. Zoning divides a community or county into districts or "zones" that specify the permitted/prohibited land uses

Notice of Completion & Environmental Document Transmittal

2019059012

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Byron Bethany Irrigation District--The West Side Irrigation District Sphere of Influence Update

Lead Agency: Byron Bethany Irrigation District Contact Person: Rick Gilmore r.gilmore@bbid.org
 Mailing Address: 7995 Bruns Road Phone: 209-835-0375
 City: Byron Zip: 94514 County: San Joaquin

Project Location: County: San Joaquin and two more City/Nearest Community: Tracy
 Cross Streets: Interstate 205 and Byron Highway Zip Code: 95376
 Longitude/Latitude (degrees, minutes and seconds): 121 ° 24 ' " N / 37 ° 46 ' " W Total Acres: 36,000
 Assessor's Parcel No.: Various Section: Various Twp.: 2S Range: 4E Base: MDB&M
 Within 2 Miles: State Hwy #: I-205 Waterways: Old River
 Airports: Tracy Municipal Railways: Union Pacific Schools: Various

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other: _____
 Mit Neg Dec Other: _____ FONSI

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: SOI Update

Development Type:

Residential: Units _____ Acres _____ Transportation: Type _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Waste Treatment: Type _____ MGD _____
 Educational: _____ Hazardous Waste: Type _____
 Recreational: _____ Other: Commercial Agriculture
 Water Facilities: Type _____ MGD _____

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

General Agriculture (AG)

Project Description: (please use a separate page if necessary)

To Update the Sphere of Influence for the Byron Bethany Irrigation District and the West Side Irrigation District.
 Located in portions of Alameda, Contra Costa and San Joaquin Counties.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|--|
| <input type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input checked="" type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Fish & Game Region #2 _____ | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | Other: _____ |
| <input type="checkbox"/> Health Services, Department of | Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date May 2, 2019 Ending Date June 3, 2019 (30-days)

Lead Agency (Complete if applicable):

Consulting Firm: <u>Baracco and Associates</u>	Applicant: <u>Byron Bethany Irrigation District</u>
Address: <u>44 Eureka Street (PO Box 401)</u>	Address: <u>7995 Bruns Road</u>
City/State/Zip: <u>Sutter Creek CA 95685</u>	City/State/Zip: <u>Byron CA 94514</u>
Contact: <u>Bruce Baracco baraccoplanner@comcast.net</u>	Phone: <u>209-835-0375</u>
Phone: <u>209-304-0028</u>	

Signature of Lead Agency Representative:  Date: 05-01-19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

June 13, 2019

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **Final Budget for Fiscal Year 2019-2020, Work Program, and Schedule of Fees**

Recommendation

It is recommended that the Commission, after receiving testimony and providing comments, approve the Final Fiscal Year 2019-2020 Budget, Work Program and Schedule of Fees.

Overview

In compliance with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), the attached Final Budget for Fiscal Year (FY) 2019-20 is submitted for Commission approval. The CKH Act requires the Commission to approve a preliminary budget by May 31 and a final budget by June 15th. A preliminary budget was approved at the May 9, 2019 Commission meeting.

The Budget Committee comprised of Chairman Peter Johnson and Commissioner Patti met on April 22, 2019 to review the status of the current budget year, the proposed work program, fee schedule, and to consider alternative budget options for the upcoming fiscal year. The Commission approved the Committee's recommended budget and a request to review the Executive Officer's salary. The final budget attached reflects the salary adjustments approved by the Commission in May.

The proposed budget anticipates revenues in the amount of \$474,600 from the following sources: \$222,800 contribution from the County; \$222,800 contribution from the seven cities;¹ \$15,000 in

¹ The County and its cities contribute one-half share of LAFCo's operational costs. The Cities share is based upon the proportionate share of the total county population living within cities. Using the January 2019 population data from the State Department of Finance, the city contributions would be as follows: Stockton-\$115,410; Tracy-\$33,866; Manteca-\$30,523; Lodi-\$24,954; Lathrop-\$9,135; Ripon-\$6,016; and Escalon-\$2,896.

from application filing fees; and \$14,000 interest revenue. The budget anticipates that the cost for staffing and operations will be approximately \$750,158 and that the Commission will transfer \$275, 558 from its existing \$876,753 Contingency/Reserve fund to continue agency operations to the end of the fiscal year.

As directed by the Commission during last year's budget approval process the County and City contributions should be increased by 3% each fiscal year. The Committee also proposes that \$200,000 be set aside in the Contract for Services line item in the event that the Commission wishes to contract out for special studies, complete municipal service reviews, or other matters that require an outside consultant.

Work Program

For 2019-2020, the LAFCo Work Program will include application processing for annexations and other organizational changes and out-of-agency service requests. Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) will be updated for the cities of Escalon and Lodi. LAFCo completed MSR and SOI Updates for 21 reclamation districts and may, based on Commission direction, begin work on the remaining 29 reclamation districts. MSR and SOI updates may, based on Commission direction, will be completed for County rural fire districts as well as a MSR and SOI amendment for South San Joaquin Irrigation District.

LAFCo anticipates a consolidation proposal from Byron-Bethany Irrigation District and West Side Irrigation District.

The Commission will review and update, as needed, its operational policies and procedures.

Schedule of Fees

The Budget Committee requested that Staff review the current fee schedule and compare our application filing fees with those of other LAFCos. Staff finds that San Joaquin's fee schedule is quite comparable to other LAFCos. The major difference is that some LAFCos require a deposit towards the actual project cost. It is staff's opinion that this method has the potential to create additional work by having to keep detailed time sheets for each project as well as the additional burden of billing and collecting additional monies to complete projects or issuing refunds on deposits. Our current fee schedule was based on typical processing times and provides the Commission the option to require application processing fees based on actual costs for unique/complex projects. This option has been used for past complex projects like the South San Joaquin Irrigation District's proposal which cost over \$474,000 (consultant and legal fees) over nine years. Staff reviewed other LAFCo budgets and found that filing fee revenues contributed anywhere from 1% to 10% of the agency's revenue. The budget being proposed today anticipates 3% of our revenues would come from filing fees. Typically, fee revenues exceeds this estimate due to unforeseen projects during the year which places our fee revenue in line with other LAFCos.

	Santa Barbara	Solano	Alameda	Contra Costa	Stanislaus	San Joaquin
Amount from Filing Fees	\$40,000	\$10,000	\$30,000	\$25,000	\$20,000	\$15,000
% Fee Revenue	10%	1%	4%	2%	4%	3%
Total Fees Collected FY17-18	\$45,283	\$29,661	\$16,456	\$40,259	\$30,000	\$32,605

Adjustments to the fee schedule are proposed for Commissioner’s consideration:

- Increase fee from \$1,200 to \$3,000 for Amendments to a Municipal Service Review
- Clarification of the Surveyor Map Checking Fee by adding the words “whichever is higher”
- Time Extension Request = \$400
- Transfer of Jurisdiction = \$300

Accomplishments

During the current FY2018-2019, LAFCo processed 13 Out-of-Agency requests, annexed territory to Woodbridge Irrigation District and County Service Area 29, dissolved 2 inactive independent special districts and completed a consolidation. Municipal service reviews and Sphere of Influence Updates were completed for the City of Stockton, Reclamation District 2038 and 2039 and a MSR/SOI Update is pending for Byron Bethany Irrigation District and the West Side Irrigation District and the City of Tracy. In May, the Commission resolved the issue regarding the governance model for providing fire protection for the City of Tracy and Tracy Rural Fire District and adopted a policy of “detachment” for the fire district from the City. The Commission actively recruited and selected a new Public Member to serve on the Commission.

Attachments: Resolution No. 1409
Final Budget for Fiscal Year 2019-2020
Schedule of Fees

cc: County Administrator’s Office

RESOLUTION NO. 1409

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
ADOPTING THE FINAL FISCAL YEAR 2019-2020 BUDGET, WORK PROGRAM AND
SCHEDULE OF FEES**

WHEREAS, the Commission held a public hearing on the Final Fiscal Year 2019-2020 LAFCo Budget, Work Program, and Schedule of Fees on June 9, 2019 in the Board of Supervisors Chambers, 44 North San Joaquin Street, 6th Floor, Stockton, CA pursuant to a notice of hearing which was published, posted, and mailed in accordance with State Law; and

WHEREAS, at said hearing, the Commission heard and received evidence, both oral and written regarding the proposal, and all persons present were given an opportunity to be heard.

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

- Section 1. The Final Fiscal Year 2019-2020 LAFCo Budget and Work Program is hereby approved as set forth in Exhibit A and B.
- Section 2. The LAFCo Schedule of Fees is hereby approved as set forth in Exhibit C.
- Section 3. Said Schedule of Fees will become effective September 9, 2019.

PASSED AND ADOPTED THIS 9th day of June 2019 by the following vote:

AYES:

NOES:

ABSENT:

PETER M. JOHNSON, Chairman
San Joaquin Local Agency
Formation Commission

FINAL BUDGET FY 2019-2020

San Joaquin Local Agency Formation Commission

	FY18-19 Budget	Est FY 18-19 Revenue/Expenditures	Amount Over/Under	Proposed FY 19-20	Amount Over/Under 18-19	% Inc/Dec
REVENUES						
Filing Fees	15,000	32,605	17,605	15,000	-	0%
County Contribution	216,300	216,300	-	222,800	6,500	3%
City Contribution	216,300	216,300	-	222,800	6,500	3%
Interest	7,500	20,091	12,591	14,000	6,500	87%
TOTAL REVENUES	\$455,100	\$485,296	\$30,196	\$474,600	\$19,500	4%
EXPENDITURES						
SALARIES						
BENEFITS						
SALARIES/BENEFITS-COMMISSIONER STIPENDS						
	160,914	29,353	(113,086)	178,474	17,560	11%
	\$427,510	\$314,424	-\$113,086	\$469,455	\$41,945	10%
SERVICES AND SUPPLIES						
Prof Serv (Neumiller & Beardslee)	15,000	15,000	-	15,000	-	0%
Office Supplies - General	5,000	3,152	(1,848)	5,000	-	0%
Communications	2,500	2,985	485	3,000	500	20%
CALAFCO Membership	5,952	5,832	(120)	6,249	297	5%
Rents and Leases - Copy Machine/Usage	3,500	2,390	(1,110)	2,400	(1,100)	-31%
Rents and Leases - County Computers*	1,280	1,257	(23)	1,398	118	9%
CALAFCO Conference-Commissioners	10,068	7,263	(2,805)	10,068	-	0%
CALAFCO Conference-Staff	5,250	3,699	(1,551)	6,338	1,088	21%
Data Processing Direct Charges*	5,097	4,892	(205)	4,159	(938)	-18%
Auditors Payroll and A/P Charges	300	300	-	300	-	0%
Registrar of Voters Charges	300	100	(200)	200	(100)	-33%
Recorders Office	450	450	-	450	-	0%
Publications & Legal Notices	1,500	2,577	1,077	3,000	1,500	100%
Insurance-Worker's Compensation*	247	247	-	191	(56)	-23%
Insurance-Special Property	950	950	-	950	-	0%
Office Space/Utilities	22,000	20,160	(1,840)	22,000	-	0%
Contract for Services	200,000	-	(200,000)	200,000	-	0%
Total Services and Supplies	\$279,394	\$71,254	-\$208,140	\$280,703	\$1,309	0%
Total Expenditures	706,904	385,678		750,158	43,254	6%
Total Revenues	455,100	485,296		474,600	19,500	4%
GRAND TOTAL	-\$251,804	\$99,618		-\$275,558	(23,754)	9%
Contingency/Reserves	\$804,853	\$876,753		\$976,371	171,518	21%
Balance	\$553,049	\$976,371		\$700,813	147,764	27%

**LAFCO FISCAL YEAR 2019-2020
WORK PROGRAM**

For 2019-2020, the LAFCo Work Program will include application processing for annexations and other organizational changes and out-of-agency service requests. Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) will be updated for the cities of Escalon and Lodi. LAFCo completed MSR and SOI Updates for 21 reclamation districts and may, based on Commission direction, begin work on the remaining 29 reclamation districts. MSR and SOI updates may, based on Commission direction, will be completed for County rural fire districts as well as a MSR and SOI amendment for South San Joaquin Irrigation District.

LAFCo anticipates a consolidation proposal from Byron-Bethany Irrigation District and West Side Irrigation District.

The Commission will review and update, as needed, its operational policies and procedures.

San Joaquin Local Agency Formation Commission

SCHEDULE OF FEES

FEES FOR PROCESSING APPLICATIONS AND CHARGES FOR SERVICES

(Effective Date: August 14 13, 2018/2019)

	Fee
I. <u>ANNEXATIONS AND DETACHMENTS</u>	
Existing and New Development:	
Under 3 Acres	\$2,190
3 to 10 Acres	\$2,922
10.1 to 20 Acres	\$3,660
20.1 to 40 Acres	\$4,388
40.1 to 80 Acres	\$5,122
80.1 to 120 Acres	\$5,854
120.1 to 240 Acres	\$6,593
240.1 to 500 Acres	\$7,333
500.1 to 1,000 Acres	\$8,060
Over 1,000.1 acres \$8.05 per acre	
II. <u>LEGAL SERVICES</u>	Actual Cost \$1,000
Required for all services.	Deposit
Principle	\$375 per hour
Associate	\$300 per hour
Paralegal	\$175 per hour
III. <u>OTHER ACTIONS</u>	
Proposals requiring Protest Proceedings (Actual cost if Voter Election)	1,600
Special District Formation	8,500
Consolidation, Merger, Subsidiary District	1,000
Addition of Services	2,500
Dissolution	No Charge
Request for Reconsideration	1,500
<u>Time Extension Request</u>	400
<u>Transfer of Jurisdiction</u>	300
Out-of-Agency Service for Designated Areas	2,500
Out-of-Agency Service	\$300 per single-family equivalent/per service
Sphere of Influence	
Amendment in conjunction with annexation	1,500
Amendment not in conjunction with annexation	2,500
New or Update for Cities	4,000
New or Update for Special Districts	1,600
Removal of Territory	2,500
Amendment to a Municipal Service Review	1,200 3,000
Incorporation	Actual Costs (\$5,000 deposit)
Comprehensive Fiscal Analysis	Actual Cost (\$5,000 deposit)

	Fee
IV. ENVIRONMENTAL REVIEW	
CEQA Exemption	\$150
Lead Agency other than LAFCo:	
Review Environmental Impact Report	\$500
Review Negative Declaration	\$250
LAFCo as Lead Agency:	
Initial Study (including Negative Declaration)	Actual Cost
Preparation and processing of EIR	Actual Cost
State Department of Fish and Wildlife Fee (with LAFCo as Lead Agency) includes County Clerk Processing Fee	
Notices of Exemption	As Required by
If Negative Declaration	Fish and Wildlife Code
If Environmental Impact Report	
County Clerk Processing Fee	\$50
V. MISCELLANEOUS FEES AND CHARGES	
For checking and approving boundary maps and legal descriptions (<i>Make check payable to Department of Public Works</i>)	\$700 or 20% of LAFCo Fee <u>whichever is higher</u>
Special Commission meeting	\$2,000
Staff Costs for Research, Technical Assistance, Mailing, Attendance at Meetings and unique/complex projects as determined by the Commission:	
Executive Officer	\$150 per hour
LAFCo Analyst	\$120 per hour
Commission Clerk	\$60 per hour
Meeting CDs (per CD)	\$20
Document copying (per page)	\$.20
Checking Sufficiency of Petition (per signature)	Fee set by the Registrar of Voters
Outside Consultants hired by LAFCo	Actual Costs plus 20%
Meeting Transcripts	Actual Costs plus 20%

Notes:

- Actual costs shall be determined by multiplying the documented actual hours by the hourly rate of salary plus benefits.
- The Commission may waive or adjust processing fees upon a determination that the proposal would further the purposes of the Local Government Reorganization Act of 2000. Requests for fee waivers or adjustments must be submitted in writing to the Commission prior to the submittal of any application.

3. Processing and filing fees are due and payable upon filing of an application with LAFCo. No action shall be taken on any proposal or petition until appropriate fees have been paid.
4. Upon Commission approval, the Executive Officer may require fees based on actual cost for unique/complex projects.