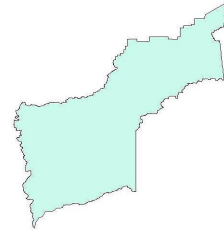


YUBA LOCAL AGENCY FORMATION COMMISSION

John Benoit, Executive Officer
Paige Hensley, Deputy Executive Officer
David Ruderman, LAFCO Counsel
417 4th Street
P.O. Box 2305 Phone (530) 749-5467
Marysville, CA 95901 Fax (530) 749-5468



YUBA LOCAL AGENCY FORMATION COMMISSION

SPECIAL MEETING

Wednesday, June 26, 2024, at 6:00 P.M.
Board of Supervisors Chambers
915 8th Street – Marysville, California 95901

1. Call To Order:

A. Roll Call:

Commissioners

Kuldip Atwal, Public Member
Seth Fuhrer, County Member
Brad Hudson, City Member **Chair**
Andy Vasquez, County Member
Rick West, City Member **Vice-Chair**

Alternates:

Jon Messick, County Member Alternate
Dennis Pinney, Public Member Alternate
Angela Teter, City Member Alternate

2. Pledge of Allegiance:

3. Election of Officers:

In accordance with LAFCO's Bylaws, Conduct Election of Chair and Vice-chair for LAFCO for Fiscal Year 2024-2025

A. Election of Chair for FY 2024-2025

B. Election of Vice-Chair for FY 2024-2025

4. Approval of Minutes:

A. Approval of meeting minutes from the January 3rd, April 3rd, and May 1st, 2024 meetings.

5. Public Comment

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 3 minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matters brought up under public comments for appropriate action at a future meeting.

6. Action Items:

A. LAFC 2023-06 City of Wheatland/Pottery World-Avoca Orchards Annexation

A request from the City of Wheatland to annex approximately 140 acres into the City of Wheatland. Project site is located at the north boundary of the City of Wheatland, between the west side of Highway 65 and the east side of Lewis Road, and south of Dairy Road. Parcels are known as Assessor Parcel Numbers 015-100-053, 015-100-061, 015-100-084 and 015-100-089

***Action:** Approve LAFC23-06 by adopting resolution no. 2024-05, annexing 140 acres known as Pottery World-Avoca Orchards into the City of Wheatland.*

B. Calafco Conference Action items:

1. Calafco Annual Conference Tenaya Lodge Fish Camp Oct 16-18, 2024
2. Nomination for the Calafco Board of Directors
3. Nomination for the Voting Delegate to represent Yuba LAFCO at the Calafco Conference
4. Nomination for Calafco Achievement Awards

C. Letter of Support:

1. Support for AB 3277 Property Tax
2. Support for SB 1209 Indemnification

7. Executive Officers and Commissioners Reports:

A. Update on pending projects.

8. Adjourn to the next regular meeting on September 4th, 2024 at 6:00 pm

Commissioners – Please contact your alternate if you are unable to attend this meeting.

Alternates are: City - Angela Teter
 County - Jon Messick
 Public - Dennis Pinney

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.



Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be within the Commission’s subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual’s testimony may be limited to 3 minutes. Time to address the Commission will be allocated on the basis of the number of requests received. If you would like an item placed on a future agenda, you may do so by contacting the Commission at (530) 749-5467.

Procedure for Public Hearing:

The public may address the Commission on each agenda item during the Commission’s consideration of the item. When doing so, and when commenting on non-agenda items, we ask that the public kindly be recognized by the Chair before speaking, and to please keep their remarks brief. If several persons wish to address the Commission on the same item, or if any person’s comments are excessive, the Chair may limit any person’s input to 3 minutes. Written statements may be submitted in lieu of or addition to supplement oral statements made during a public hearing.

Accessibility

The telephonic/video meeting location is accessible to people with disabilities. Every reasonable effort will be made to accommodate participation of the disabled in all of the Commission’s public meetings. If particular accommodations for the disabled are needed or a reasonable modification of the teleconference procedures are necessary (i.e., disability-related aids or other services), please contact the Clerk at (530) 749-5467 at least 24 hours in advance of the meeting. An interpreter for the hearing-impaired may be made available upon request to the Clerk 72 hours before a meeting.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Yuba LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be

reviewed at Government Code §§56700.1 and 81000 et seq. Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an “entitlement for use” (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

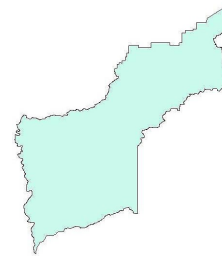
Late-Distributed Materials. Any material submitted to the Commission after this agenda is posted will be made available for public inspection as soon as possible in the LAFCO office, as indicated below.

Contact LAFCO Staff: LAFCO staff may be contacted at 530-749-5467 or by mail at Yuba LAFCo c/o John Benoit, Executive Officer, 417 4th Street, Marysville, CA 95901 or by email at phensley@co.yuba.ca.us or by fax at (530) 749-5468.

YUBA LOCAL AGENCY FORMATION COMMISSION

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 Website: www.yubalafco.org



ACTION MINUTES
YUBA LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING
MAY 1, 2024

1. CALL TO ORDER:

At 6:01 p.m. the Yuba County Local Agency Formation Commission (LAFCO) was called to order by the Chair, Commissioner Hudson, along with Commissioners Atwal, Vasquez and City Alternate Teter present. Commissioners West, Fuhrer and County Alternate Messick and Public Alternate Pinney were absent. Also present were Executive Officer-John Benoit, Legal Counsel-Mackenzie Anderson, and LAFCo Deputy Executive Officer-Paige Hensley.

2. PLEDGE OF ALLEGIANCE:

Commissioner Hudson led the commission in the Pledge of Allegiance.

3. Consent Agenda:

A. Approval of meeting minutes from January 3rd, 2024, and April 3rd, 2024, meetings.

Item 3A (was pulled from the agenda and continued to the next meeting, due to a lack of eligible voting commissioners in attendance at tonight's (May 1st, 2024) meeting

4. Public Comment

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 3 minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matter brought up under public comments for appropriate action at a future meeting.

There were no public comments.

5. Public Hearing:

a. Review and Adopt Final Budget for FY 24/25:

Staff Report: John Benoit, Executive Officer, presented the final budget report.

The Public Hearing was opened.

There being no public comments, the public hearing was closed.

Action: Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal the Commission voted to adopt Resolution No. 2024-04, approving the Final Budget for Fiscal Year 2024/2025 with the following 4 to 0 vote: **AYES:** Atwal, Hudson, Vasquez and Alternate City Member Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West

6. Action Items:

a. Amended Support Services Agreement between Yuba LAFCO and Yuba Water Agency.

Action: Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal the Commission voted to approve the Amended Support Services Agreement between Yuba LAFCO and Yuba Water Agency for the Deputy Executive Officer/Executive Officer position, with the following 4 to 0 vote: **AYES:** Atwal, Hudson, Vasquez and Alternate City Member Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West

b. Adopt Minute Order Appointing Paige Hensley as Executive Officer effective July 1, 2024, due to the retirement of the current Executive Officer, John Benoit.

1. Adopt minute order appointing Paige Hensley as Executive Officer, effective July 1, 2024.

Action: Upon motion by Commissioner Atwal and seconded by Commissioner Vasquez the Commission voted to approve the minute order appointing Paige Hensley as Executive effective July 1, 2024, with the following 4 to 0 vote: **AYES:** Atwal, Hudson, Vasquez and Alternate City Member Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West

2. Adopt minute order appointing John Benoit as Interim LAFCO Analyst, effective July 1, 2024.

Action: Upon motion by Commissioner Atwal and seconded by Commissioner Vasquez the Commission voted to approve the minute order appointing John Benoit as the Interim Clerk Analyst, with the following 4 to 0 vote: **AYES:** Atwal, Hudson, Vasquez and Alternate City Member Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West

c. Discuss the scheduling of a special meeting in June and canceling of the July 3rd regular meeting.

Action: Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal the Commission voted to cancel the regular meeting on July 3rd, due to the close proximity of the holiday, and directed staff to schedule a special meeting for June 26, 2024, with the following 4 to 0 vote: **AYES:** Atwal, Hudson, Vasquez and Alternate City Member Teter; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Fuhrer and West

d. Discuss changing Yuba LAFCO's regular meeting day schedule due to LAFCO Counsel, David Ruderman's new schedule conflict.

After a short discussion the Commission chose to continue with their regular meeting day schedule, which is the first Wednesday evening of every odd numbered month.

7. Executive Officers and Commissioners Reports:

- a. Paige Hensley gave some follow up information regarding what the County is doing to comply with the Zero Trust Initiative.
- b. Paige Hensley gave a brief update on the pending Rio Del Oro Annexations and the Pottery World/Avoca Orchards/City of Wheatland Annexation.
- c. Paige summarized the sessions she attended at the recent CALAFCO Staff Conference in Pleasanton. CA

8. Adjourn to the next meeting on Wednesday, May 1, 2024.

There being no further business, the meeting was adjourned at 6:46 p.m. to the next special meeting on June 26th, 2024, at 6:00 p.m. in the Board of Supervisors Chamber, at 915 8th Street, Marysville.

Approved,

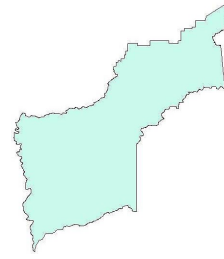
ATTEST: JOHN BENOIT
EXECUTIVE OFFICER

By: Paige Hensley, Deputy Executive Officer

YUBA LOCAL AGENCY FORMATION COMMISSION

John Benoit, Executive Officer
Paige Hensley, Clerk-Analyst
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MINUTES
YUBA LOCAL AGENCY FORMATION COMMISSION
SPECIAL MEETING
April 3, 2024

****Upon motion from Commissioner Vasquez and a second by Commissioner Pinney, the Commission unanimously appointed Commissioner West as the Chair Pro-tem****

1. CALL TO ORDER:

At 6:00 p.m. the Yuba County Local Agency Formation Commission (LAFCO) was called to order by the Chair Pro-tem West, with Commissioners Fuhrer, Vasquez, City Alternate Teeter and Public Member Alternate Pinney present. Commissioners Atwal, Hudson, and County Alternate Messick were absent. Also present were Executive Officer-John Benoit, Legal Counsel-Mackenzie Anderson, and LAFCo Deputy Executive Officer-Paige Hensley.

2. PLEDGE OF ALLEGIANCE:

Commissioner Bradford led the commission in the Pledge of Allegiance.

3. Election of new Vice-Chair:

Action: Upon motion by Commissioner Fuhrer and seconded by Commissioner Vasquez the Commission voted to appoint Commissioner West as the new Vice-Chair with the following 5 to 0 vote: AYES: Fuhrer, Vasquez, West, Alternate Pinney, and Alternate Teeter; NOES: None; ABSTAIN: None; ABSENT: Hudson and Atwal

4. Consent Agenda:

All matters listed under Consent Agenda are considered to be routine and can be enacted in one motion.

A. Approval of meeting minutes from January 3rd, 2024:

The minutes were continued to the next meeting, due to most of those present at this meeting, were not present at the January 3rd, 2024, meeting.

5. **Public Comment**

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 3 minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matter brought up under public comments for appropriate action at a future meeting.

There were no public comments.

6. **Public Hearing:**

A. **LAFCO 2023-04:** A request from Reclamation District 784 for a Sphere of Influence Amendment and Annexation of the Urban Levee System totaling approximately 740.48 acres into RD784.

Staff Report: Paige Hensley, Deputy Executive Officer, reviewed the staff report.

Public Hearing was opened.

There being no comments the public hearing was closed.

Action:

1. Upon motion by Commissioner Fuhrer and seconded by Commissioner Vasquez the Commission voted to adopt Resolution NO. 2024-01, approving the Sphere of Influence Amendment for Reclamation District 784, with the following 5 to 0 vote: AYES: Fuhrer, Vasquez, West, Alternate Pinney, and Alternate Teeter; NOES: None; ABSTAIN: None; ABSENT: Hudson and Atwal

2. Upon motion by Commissioner Fuhrer and seconded by Commissioner Vasquez the Commission voted to adopt Resolution NO. 2024-02, approving the annexation of 740.48 acres of the Urban Levee System and new levee area northeast of the current district boundary into Reclamation District 784, with the following 5 to 0 vote: AYES: Fuhrer, Vasquez, West, Alternate Pinney, and Alternate Teeter; NOES: None; ABSTAIN: None; ABSENT: Hudson and Atwal

B. **Review and Adopt Proposed Budget for FY24/25:**

Staff Report: John Benoit, Executive Officer, presented the proposed budget report.

Commissioner Pinney asked if this budget allows Paige Hensley (as the new Executive Officer) to have an assistant.

John Benoit explained he will stay on for a while to assist, but after he fully retires there will be a need for an assistant.

Commissioner Pinney asked if LAFCO has addressed the Zero Trust Initiative and asked if it can be discussed further at the next meeting.

Action: Upon motion by Commissioner West and seconded by Commissioner Pinney the Commission voted to adopt Resolution No. 2024-03, approving the Proposed Budget for Fiscal Year 2024/2025 with the following 3 to 2 vote: AYES: West, Alternate Pinney, and Alternate Teeter; NOES: Fuhrer and Vasquez; ABSTAIN: None; ABSENT: Hudson and Atwal

7. Action Items:

A. Amended Support Services between Yuba LAFCO and Yuba County Water Agency.

Item was removed from the agenda.

8. Correspondence:

John Benoit gave a brief summary of correspondence from Alton Wright regarding some dissatisfaction with the North Yuba Water District.

9. Executive Officers and Commissioners Reports:

A. John Benoit explained the upcoming initiative “Right to Vote on Taxes” coming up in the November meeting.

B. Update on pending projects.

Paige Hensley, Deputy Executive Officer, gave a status update on pending projects.

Adjourn to the next meeting on Wednesday, May 1, 2024.

There being no further business, the meeting was adjourned at 6:44 p.m. to the next meeting on May 1, 2024, at 6:00 p.m. in the Board of Supervisors Chamber, 915 8th Street, Marysville.

Approved,

ATTEST: JOHN BENOIT
EXECUTIVE OFFICER

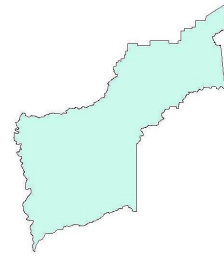
By:

Paige Hensley, Deputy Executive Officer

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MINUTES
YUBA LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING
JANUARY 3, 2024

1. A. CALL TO ORDER:

At 6:00 p.m. the Yuba County Local Agency Formation Commission (LAFCO) was called to order by the Vice-Chair, Commissioner Bradford, with Commissioners Atwal and Vasquez present. Commissioners Hudson, West, County Alternate Messick, City Alternate Belza and Public Member Pinney were absent. Also present were Executive Officer-John Benoit, Legal Counsel-David Ruderman and LAFCo Deputy Executive Officer-Paige Hensley.

2. PLEDGE OF ALLEGIANCE:

Commissioner Bradford led the commission in the Pledge of Allegiance.

3. Consent Agenda:

All matters listed under Consent Agenda are considered to be routine and can be enacted in one motion.

A. Approval of meeting minutes from October 4, 2023.

Action: Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal the Commission approved the consent agenda with the following 3 to 0 vote: AYES: Atwal, Bradford and Vasquez; NOES: None; ABSTAIN: None; ABSENT: Hudson and West

4. Public Comment

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 3 minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matter brought up under public comments for appropriate action at a future meeting.

There were no public comments.

5. Action Items:

A. Office Space Rental Contract Renewal

Action: Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal the Commission authorized the Executive Officer to sign the amended office space rental contract with the following 3 to 0 vote: AYES: Atwal, Bradford and Vasquez; NOES: None; ABSTAIN: None; ABSENT: Hudson and West

B. Amended Support Services between Yuba LAFCO and Yuba County Water Agency.

Item was removed from the agenda.

C. Yuba LAFCO meeting schedule for 2024.

Action: Upon motion by Commissioner Vasquez and seconded by Commissioner Atwal the Commission approved the 2024 meeting schedule with the following 3 to 0 vote: AYES: Atwal, Bradford and Vasquez; NOES: None; ABSTAIN: None; ABSENT: Hudson and West

D. MSR and SOI Update Schedule for 2024/2025.

John Benoit discussed the suggested order of Municipal Service Reviews for the upcoming year.

Commissioners Bradford and Vasquez stated the fire districts should be the first priority.

Commissioner Vasquez suggested the MSR/SOI Update order should be South County Fire Districts, then Water and Sewer, and then CSA's.

The Commission directed staff to proceed with updating MSR/SOIs in the following order:

1. South County Fire Districts (to include Marysville Fire, Linda Fire, OPUD Fire, Plumas Brophy Fire and Wheatland Fire)
2. Water and Sewer Districts
3. County Service Areas 66 and 52.

E. Adhoc Budget Committee for fiscal year 2024/2025.

Action: Vice-Chair Bradford appointed Commissioner Atwal and Pinney to the Ad-hoc Budget Committee for Fiscal Year 2024/2025.

6. Other Items:

A. Discussion regarding retirement of Executive Officer, John Benoit.

John Benoit announced he will be stepping down as Executive Officer effective June 30, 2024. John Benoit stated the Commission had previously determined and planned for Paige Hensley to be promoted to Executive Officer and then John Benoit would stay on during a transitional period and serve in the position of Deputy Executive Officer.

John Benoit stated the Commission will need to discuss and determine the salary for Paige Hensley in the roll of Executive Officer and it can be discussed during the budget hearing at the next meeting.

The Commission was in agreement with the Executive Officer's transition plan and directed the staff to bring the salary discussion forward to the next meeting.

John Benoit also stated he will need an amendment to his contract as he steps down from Executive Officer to the Deputy Executive Officer position.

7. Executive Officers and Commissioners Reports:

- A. John Benoit gave a brief summary of the Calafco Conference in Monterey.
- B. Staff gave a summary of a recent meeting with YCRCD
- C. Update on pending projects.

Paige Hensley, Deputy Executive Officer, gave a status update on pending projects such as the RD784 Levee annexation; Lennar Homes – OPUD/CSA 66 annexations; Bishops Pumpkin Farm - Out of Agency Agreement, and Wheatland-Pottery World annexation.

8. Adjourn to the next meeting on Wednesday, March 6, 2024.

There being no further business, the meeting was adjourned at 6:50 p.m. to the next meeting on March 6th, 2024, at 6:00 p.m. in the Board of Supervisors Chamber, 915 8th Street, Marysville.

Approved,

ATTEST: JOHN BENOIT
EXECUTIVE OFFICER

By: Paige Hensley, Deputy Executive Officer

**YUBA LOCAL AGENCY FORMATION COMMISSION (LAFCO)
EXECUTIVE OFFICER'S REPORT**

DATE: June 26, 2024, Meeting

TO: YUBA Local Agency Formation Commission

FROM: Paige Hensley, Deputy Executive Officer
John Benoit, Executive Officer

SUBJECT: LAFCO Project No. 2023-06 – City of Wheatland/Pottery World-Avoca
Orchards Annexation

STAFF RECOMMENDATION:

Staff recommends the Commission approve the proposed annexation known as, LAFCO Project 2023-06, Pottery World/Avoca Orchards annexation, consisting of approximately 140 acres into the City of Wheatland, subject to the terms and conditions included in and adopt Resolution 2024-05 (Attachment 1).

SUMMARY:

The City of Wheatland has submitted an application and initiating Resolution No. 16-23 (Attachment 2), to Yuba LAFCO, requesting to annex 4 parcels, approximately 140 acres, into the City of Wheatland. A Plan for Services is included. (Attachment 3) The proposed annexation area consists of two project sites; a 30-acre site known as the Pottery World project (APN 015-100-053) and a 110-acre area site known as Avoca Orchards project (APN No. 015-100-016, 015-100-084 and 015-100-089). The annexation area is within the unincorporated area of Yuba County, immediately north of the existing City of Wheatland city boundary. The proposal area is located along the west side of Highway 65, east of Lewis Road, and south of Dairy Road. This annexation is currently within the City of Wheatland's adopted Sphere of Influence. The City of Wheatland adopted Resolution No.17-23 (Attachment 4) approving a General Plan Amendment, amending the land use designation for the Pottery World area from Urban Reserve to Employment, and adopted City Ordinance No. 491 pre-zoning for the Pottery World/Avoca Orchards to Light Industrial (M-1) and the Residential Single Family (R-1) and Two Family Residential (R-2).

This annexation is consistent with the adopted policies, goals and objectives of the City's General Plan. This project will would increase the city's ability for development and provide additional jobs and revenue for the City of Wheatland.

Staff found no LAFCo issues associated with this proposal as it is consistent with the City's General Plan.

BACKGROUND:

The City of Wheatland proposes annexing 140-acres into the City of Wheatland. The project area is located in the unincorporated area of Yuba County, just north of the City of Wheatland, along the west side of Highway 65, east of Lewis Road and south of Dairy Road, and is currently within the City of Wheatland's adopted Sphere of Influence. A location map of the proposal area is shown below for reference only. A geographical description, which describes and identifies the location in compliance with Yuba LAFCo and State Board of Equalization requirements is included as Exhibits A and B to the proposed LAFCo Resolution 2024-05 (Attachment 1)



The City of Wheatland received a request from property owner James Rodda to annex approximately 30-acres known as, APN No. 015-100-053 (Pottery World), and a request from property owner Peter Meier to annex approximately 110-acres, known as APN No. 015-100-016, 015-100-084 and 015-100-089, (Avoca Orchards), the City of Wheatland conducted a review of the project, prepared and approved an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring Program and subsequently adopted

Wheatland Resolution No. 16-23 on April 25th, 2023, approving the initiation of this annexation with Yuba LAFCO. This application for annexation is made subject to GC § 56650 by the City of Wheatland.

The proposal area is within the adopted Sphere of Influence for the City of Wheatland and is contiguous with the current City boundary. This proposal has 100% landowner consent, has no registered voters within the proposal area, and thus meets the definition of “uninhabited territory”, therefore the Commission may waive the public hearing requirement pursuant to GC § 56662.

PROJECT ANALYSIS:

As directed by CKH, under GC Section 56668 (a-q), the following Factors are to be considered in the review of a proposal.

The Commission’s review shall include, but is not limited to consideration of these factors:

Factor	Analysis/Comment
<p><i>a. Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</i></p>	<p>The City has approved a General Plan Amendment which amended the Pottery World site from a land use designation of Urban Reserve (UR) to Employment, and Pre-Zoned the project site with a City zoning designation of Light Industrial District (M-1).</p> <p>The City’s General Plan land use designation for the Avoca Orchards site is:</p> <ul style="list-style-type: none"> • LDR – Density: 3.0 to 4.0 units per gross acre/FAR: 0.30; • LMDR – Density: 4.1 to 6.0 units per gross acre/FAR: 0.40; and • MDR – Density: 6.1 to 8.0 units per gross acre/FAR: 0.50. <p>The City has pre-zoned the Avoca Orchards site with a City zoning designation of Residential Single-Family (R-1) and Two-Family Residential (R-2)</p>

	<p>consistent with the City’s land use designation for the site.</p> <p>Currently, the Yuba County General Plan designates both of the sites as Natural Resources and the sites are zoned Agriculture (AE-40) by the County. Since the City of Wheatland is the principal jurisdiction, here the City’s general Plan is applicable.</p> <p>The net value of the proposal area totals \$2,223,935 according to County Assessor records.</p> <p>The topography is flat and is approximately 90 feet above sea level.</p>
<p><i>b. The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.</i></p>	<p>There is a need for organized community services to serve the growth that will come to Yuba County in the years to come. As development occurs, the City of Wheatland will need to provide a full complement of services in the annexation territory. The city has prepared a plan for services which includes water distribution and source of water provided by the city, wastewater collection and treatment provided by the City, Police and roads in the City, Fire Protection through Wheatland Fire Authority. The Plan for Service (Attachment B) and Justification Statement (Attachment D) are included as attachments</p>
<p><i>c. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</i></p>	<p>The proposal area will be removed from the County’s unincorporated area and be included within the City of Wheatland’s incorporated service area. No negative effects of the proposed annexation are anticipated for adjacent areas or mutual social and economic interests.</p>
<p><i>d. The conformity of both the proposal and its anticipated effects with both the adopted</i></p>	<p>The annexation of the subject territory to the City of Wheatland is consistent with the</p>

<p><i>commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.</i></p>	<p>planned, orderly, and efficient patterns of urban development within the adopted Spheres of Influence of the affected agencies. The annexation proposal is consistent with Yuba LAFCO policies that encourage proposals that result in urban development to include annexation to a city whenever possible and are consistent with the sphere of influence and municipal service review.</p>
<p><i>e. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.</i></p>	<p>There is no new development plan for the Pottery World or Avoca Orchards project sites proposed as part of this project, therefore there is no proposed change to existing land use at this time. This proposal is not expected to impact the continued operation of adjacent agricultural uses. Any future development on the project sites is subject to subsequent environmental review and approval by the City.</p>
<p><i>f. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</i></p>	<p>The subject area is parcel specific, with definite and certain boundaries. There are no conflicts with lines of assessment or ownership and the land is contiguous with the current City boundary.</p>
<p><i>g. A regional transportation plan adopted pursuant to Section 65080.</i></p>	<p>The SACOG Metropolitan Transportation Plan (MTP) 2020 provides regional-scale, long-term planning, including policies and supportive strategies, for transportation in the region. The MTP has a principle to increase investment in funding for bicycle and pedestrian facilities and introduce the concept of “complete streets” designed for many types of users and modes together instead of favoring auto use only. Land use and environmental sustainability policies set forth in the MTP encourage locally determined developments to be designed with pedestrian, bicycle and transit as primary transportation considerations.</p>

	requirements and adequate fire flow requirements.
<p><i>m. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</i></p>	<p>California Planning Law requires each city and county to have land zoned to accommodate a fair share of regional housing needs. The share is known as Regional Housing Needs Allocation (RHNA) and is based on a Regional Housing Needs Plan (RHNP) developed by Councils of Government.</p> <p>The City of Wheatland’s 8 Year Housing Element (2021-2029) was adopted in 2021 and was revised in September 2023.</p> <p>The eventual development of the pre-zoned Avoca Orchards site could help the City achieve its fair share of housing goals.</p>
<p><i>n. Any information or comments from the landowner or landowners, voters, or residents of the affected territory.</i></p>	<p>No comments have been received at this time.</p>
<p><i>o. Any information relating to existing land use designations.</i></p>	<p>The current land use designation, as per the Yuba County General Plan, is Natural Resources (NR) and the zoning is AE-40</p>
<p><i>p. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.</i></p>	<p>The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups. The territory is not with a disadvantaged unincorporated community (DUC)</p>
<p><i>q. Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.</i></p>	<p>Not applicable.</p>

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GENERAL POLICY CONSIDERATIONS:

General Policy Considerations

Policy Consideration	Consistency/ Applicability	Comment
<p>Communication Between Local Agencies. Yuba LAFCo has determined that an important part of its role is to encourage and promote communication and collaborative planning and studies between public agencies. (such as the County, Cities and special districts) members of the public, and service-providing members of the private sector such as water and electric.</p>	<i>Consistent</i>	Environmental reviews are forwarded to LAFCO. LAFCO staff concurs with the City of Wheatland’s environmental determination and adopted findings of the Lead Agency.
<p>Urban Development: Yuba LAFCO will encourage proposals that promote urban development to include annexation to a city or district where it is reasonable to do so, and to discourage proposals for urban development without annexation. Yuba LAFCo will also encourage cities and districts to annex lands that have been developed to urban levels, particularly areas that receive city or district services.</p>	<i>Consistent</i>	Proposal territory is being annexed to the City of Wheatland which is consistent with Yuba LAFCO’s policy to encourage urban development by annexing to a city.
<p>Discouraging Urban Sprawl. LAFCO will normally deny proposals that result in urban sprawl.</p>	<i>Consistent</i>	This project is being annexed to the City of Wheatland, therefore does not contribute to urban sprawl because it is contiguous to the city and in its sphere of influence.
<p>Environmental consequences (CEQA) shall be considered.</p>	<i>Consistent</i>	The City of Wheatland, as Lead Agency pursuant to CEQA, prepared and adopted a Mitigated Negative Declaration that analyzed the environmental impacts of the annexation of project property. The City’s mitigated Negative Declaration found that the proposed annexation

		would have a less than significant environmental impact with the implementation of the mitigation measures recommended in the initial study. The City of Wheatland adopted the findings of the Initial Study (IS) and Mitigated Negative Declaration (MND), along with the Mitigation Monitoring and Reporting Program (MMRP) by Wheatland Resolution No. 15-23, at its meeting on April 25 th , 2023.
LAFCO will consider the impact of a proposal on the regional supply of housing for all income levels.	<i>Consistent</i>	The annexation of this parcel will provide an area for development consistent with the City's General Plan and Housing Element.
LAFCO will favor proposals that promote compact urban form and infill development.	<i>Consistent</i>	The proposal area is contiguous to the City of Wheatland and with areas planned for urban development, as defined in the City of Wheatland's General Plan.
Government structure should be simple, accessible, and accountable.	<i>Consistent</i>	There is no indication of unnecessary complexity or lack of accessibility or accountability.
Agencies must provide documentation that they can provide service within a reasonable period of time.	<i>Consistent</i>	There is no specific development plan for this proposal area at this time, however the City of Wheatland has indicated they are willing to provide adequate services at time of development
Efficient services are obtained when proposals: <ul style="list-style-type: none"> • Utilize existing public agencies; • Consolidate activities and services; and • Restructure agency boundaries to provide more logical, effective, and efficient services. 	<i>Consistent</i>	This proposal is consistent with the City of Wheatland's capacity to provide for adequate services as outlined in their adopted General Plan. Such services include fire and police protection, water, sewer, road maintenance, schools, and general government services.
Adverse impacts on adjacent areas, social and economic interests and the local government structure must be mitigated.	<i>Consistent</i>	The Pottery World and Avoca Orchards area is located within the Sphere of Influence for the City of Wheatland and consistent with the Adopted General

		Plan. No adverse impacts are anticipated with this annexation.
Conformance with general & specific plans required.	<i>Consistent</i>	This project conforms to the adopted City of Wheatland's General Plan
<p>Boundaries:</p> <ul style="list-style-type: none"> • Definite boundaries are required. • Boundaries that are favored: Create logical boundaries & eliminate islands or illogical boundaries. Follow natural or man-made features and include logical service areas. • Boundaries that are disfavored: Split neighborhoods or communities. Result in islands, corridors, or peninsulas. Drawn for the primary purpose of encompassing revenue-producing territories. Create areas where it is difficult to provide services. 	<i>Consistent</i>	This annexation creates a logical boundary. The annexation area is contiguous with the current City Boundary. This annexation does not split any communities, nor does it create an island.
Revenue neutrality required.	<i>Consistent</i>	All tax exchanges shall be in accordance with Joint Resolution of the City Council of the City of Wheatland Resolution No. 17-13 and the Board of Supervisors of the County of Yuba, Yuba County Resolution No. 2013-102 (attached as Exhibit "C" of this staff report). for the territory to be annexed. Property tax increment: 50% of the County's share of the property tax will be transferred to the City of Wheatland for every fiscal year after completion of the annexation. There will be no changes with other agencies receiving a portion of the property tax dollar. After annexation, there will be a sales tax exchange of 12.5% of the sales tax received by the

		<p>City from retailers in the <i>annexation area to the County.</i></p>
<p>Agricultural and Open Space Land Conservation Standards:</p> <ul style="list-style-type: none"> • Must lead to planned, orderly & efficient development. • Approved Sphere of Influence Plan required. • Findings with respect to alternative sites required. • Impact on adjacent agricultural/open space lands assessed. • Agricultural Buffers. 	<p><i>Consistent</i></p>	<p>Most of the 140 acres annexation area is currently occupied by orchards and while the proposal area meets the definition of the Unique Farmland and Prime Farmland; the project is included in the City of Wheatland’s adopted Sphere of Influence. Thus, the City anticipated the potential future conversion of the on-site Unique Farmland and Prime Farmland to a non-agricultural use and was analyzed in the City’s General Plan EIR. The Wheatland’s General Plan EIR concluded that the implementation of the goals and policies in the General plan would minimize impacts to agricultural land; Impacts to agricultural land would remain significant and unavoidable because buildout of the General Plan would permanently covert Unique Farmland and Prime Farmland of statewide Importance to non-agricultural uses. The Wheatland City Council adopted Findings of Fact and a statement of Overriding Considerations for the significant and unavoidable impacts associated with General Plan buildout.</p>
<p>Need for services exists when:</p> <ul style="list-style-type: none"> • Public health and safety threat exists. • The residents have requested extension of non-growth-inducing community services. • Subject area is likely to be developed for urban use within 5 years. 	<p><i>Consistent</i></p>	<p>There is no current development plan for the proposal area at this time and the continued growth of orchards is expected to continue in the near-term, There is no growth inducing development anticipated.</p>

<p>Exceptions are justified on the following grounds:</p> <ul style="list-style-type: none"> • Unique. • Standards Conflicts. • Quality/Cost. • No Alternative. 	<p><i>Consistent</i></p>	<p>No exceptions to policy considerations are required.</p>
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Annexation Policies—General

Policy	Consistency/ Applicability	Comment
Proposals must be consistent with LAFCO general policies.	<i>Consistent</i>	
A proposal must be consistent with the agency's Sphere of Influence Plan.	Consistent	This area is in the SOI Boundary for the City of Wheatland
Plan for Services required.	Consistent	The City of Wheatland will provide and require water, wastewater if a development plan is approved in the future. The City will provide fire and police services, along with road maintenance
<i>Subject territory must be contiguous to the agency's boundaries if required by law, or if necessary for efficient service delivery.</i>	<i>Consistent</i>	<i>The project area is contiguous with the City of Wheatland's boundary.</i>
<i>Piecemeal annexations are prohibited.</i>	<i>Consistent</i>	<i>The annexation area is contiguous with the City of Wheatland boundary. This annexation provides for logical and orderly growth within the city of Wheatland.</i>
Annexations to eliminate islands are encouraged and normally are approved	N/A	
Annexations that create islands are discouraged and not normally approved	N/A	
Full service array is considered. Proposals that facilitate the delivery of one or a few services to the detriment of the delivery of a larger number of services are not favored.	Consistent	The annexation is for all services provided by CSA 66 and most of the services provided by OPUD (fire protection is provided by the Linda FPD).
Adverse impact of annexation on other agencies or service recipients is cause for denial.	Consistent	There are no adverse impacts on other agencies or service recipients found as a result of this annexation. improvement projects should be required.

ADDITIONAL INFORMATION:

Existing and Proposed Service Agencies:

<u>Service:</u>	<u>Existing Provider:</u>	<u>Proposed Provider:</u>
School Districts	N/A	Wheatland School District and Wheatland Union High School District
Fire Protection	Plumas Brophy Fire (WFA) under JPA with Wheatland Fire Authority	Wheatland Fire (WFA) under JPA with Wheatland Fire Authority
General Government	Yuba County	City of Wheatland
Police Protection	Yuba County Sheriff	Wheatland Police Department
Off-site Drainage and Flood Control	Yuba County	City of Wheatland
Domestic Water	Private Well	City Water
Sewer	N/A - Septic	City of Wheatland
Street Lighting	None	City of Wheatland
Road/Street Maintenance	Yuba County	City of Wheatland
Solid Waste	Recology	Recology

Tax Sharing Agreement:

Pursuant to Revenue and Taxation Code section 99(b) the City of Wheatland and the County of Yuba have entered into a Master Tax Exchange Agreement by adopted County of Yuba Resolution No. 2013-102 and City of Wheatland Resolution No. 17-13, September 23rd, 2013. (Attachment C to this report)

Compliance with California Environmental Quality Act (CEQA):

Lead Agency: City of Wheatland
 Responsible Agency: Yuba LAFCO
 Environmental Finding: Mitigated Negative Declaration
 Date of Finding: April 25th, 2023
 NOD Filed: May 23, 2023 (Attachment F to this report)

The City of Wheatland, as Lead Agency pursuant to CEQA, prepared and adopted a Mitigated Negative Declaration that analyzed the environmental impacts of the annexation of project property. The City’s mitigated Negative Declaration found that the proposed annexation would have a less than significant environmental impact with the implementation of the mitigation measures recommended in the initial study. The City

of Wheatland adopted the findings of the Initial Study (IS) and Mitigated Negative Declaration (MND), along with the Mitigation Monitoring and Reporting Program (MMRP) by Wheatland Resolution No. 15-23, at its meeting on April 25th, 2023.

While the proposal area meets the definition of the Unique Farmland and Prime Farmland; the project is included in the City of Wheatland's adopted Sphere of Influence. Thus, the City anticipated the potential future conversion of the on-site Unique Farmland and Prime Farmland to a non-agricultural use and was analyzed in the City's General Plan EIR. The Wheatland's General Plan EIR concluded that the implementation of the goals and policies in the General plan would minimize impacts to agricultural land; Impacts to agricultural land would remain significant and unavoidable because buildout of the General Plan would permanently convert Unique Farmland and Prime Farmland of statewide Importance to non-agricultural uses. The Wheatland City Council adopted Findings of Fact and a statement of Overriding Considerations for the significant and unavoidable impacts associated with General Plan buildout.

COMMENTS RECEIVED FROM :

County Auditor
County Assessor
County Administrator
Wheatland Fire Authority Chief Paquette

CONCLUSION:

The proposed annexation represents a positive step forward for the City of Wheatland to plan for future growth in a logical and orderly way. The proposal conforms to the Yuba LAFCO policy and the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000. Based upon findings and determination in this report, staff recommends approval of this proposal.

Recommended Action:

Approve the proposed annexation known as LAFCO Project 2023-06, Pottery World/Avoca Orchards annexation, consisting of approximately 140 acres into the City of Wheatland, and adopt Resolution 2024-05, subject to recommended terms and conditions.

Respectfully Submitted,

Paige Hensley, Deputy Executive Officer
John Benoit, Executive Officer

ATTACHMENTS:

Attachment 1 - Draft LAFCO Resolution No. 2024-05 w/Exhibit A & B & C Map, Geographical Description, County of Yuba Resolution No. 2013-102 and City of Wheatland Resolution No. 17-13 Master Tax Exchange Agreement

Attachment 2 - City of Wheatland Resolution No. 16-23 Initiating Resolution

Attachment 3 - Plan For Services

Attachment 4 - City of Wheatland Resolution No. 17-23 – General Plan Amendment

Attachment 5 - City Ordinance 491 – Pottery World/Avoca Orchards Pre-zoning

Attachment 6 - City of Wheatland Resolution No. 15-23 IS/MND/MMP

Attachment 7 - Notice of Determination (NOD)

BEFORE THE LOCAL AGENCY FORMATION COMMISSION

COUNTY OF YUBA, STATE OF CALIFORNIA

IN RE:

RESOLUTION MAKING DETERMINATIONS)	RESOLUTION NO. 2024-05
AND APPROVING THE POTTERY WORLD)	
AND AVOCA ORCHARDS 140 ACRE)	
ANNEXATION TO THE CITY OF)	
WHEATLAND)	
(LAFCO APPLICATION NO. 2023-06)		

WHEREAS, a resolution making application for the annexation of 140 acres into the City of Wheatland, as described and depicted in Exhibits “A” and “B”, attached hereto and incorporated herein as referenced, was filed with the Executive Officer of the Yuba County Local Agency Formation Commission pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 *et seq.* of the California Government Code); and

WHEREAS, on May 7, 2024, the Executive Officer filed a Certificate of Filing to accept and consider the proposal for the Pottery World/Avoca Orchards annexation (LAFCO No. 2023-06) to the City of Wheatland; and

WHEREAS, the City of Wheatland agrees to provide water, wastewater, police, fire (through a joint powers agreement with the Plumas-Brophy Fire Protection District), recreation, and all other city services; and

WHEREAS, all interested parties and proponents of the proposal were heard at a public meeting held June 26, 2024.

WHEREAS, the Executive Officer reviewed the application and determined its completeness within thirty (30) days of submission and prepared and filed his report with this Commission at least five (5) days prior to the regularly scheduled meeting during which this application is to be considered; and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed annexation, including the application, the report of the Executive Officer, the environmental documents or determinations, applicable General and Specific Plans and Sphere of Influence of the City of Wheatland, LAFCo’s adopted policies and each of the factors required by Government Code Section 56668 to be considered in the review of a proposal; and

WHEREAS, as Lead Agency the City of Wheatland prepared and certified Mitigated Negative Declaration and Mitigating Monitoring Program on April 25th, 2023, pursuant to the requirements of the California Environmental Quality Act (Section 21000 *et seq.* of the Public

Resources Code). The Initial Study/Mitigated Negative Declaration determined there would be less than significant impacts with mitigation incorporated associated with the annexation. LAFCo is a Responsible Agency under this environmental document. ; and

WHEREAS, the Commission finds, based on the information submitted and received prior to and at the public meeting, that the environmental document is adequate for approving this annexation; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the affected territory have given their written consent for the proposal; and

WHEREAS, all interested parties and proponents of the proposal were heard at a public meeting held on June 26, 2024.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Yuba Local Agency Formation Commission as follows:

1. The foregoing recitals are true and correct.
2. That the territory is found to be uninhabited pursuant to Section 56046 of the California Government Code, and
3. The subject proposal is assigned the follow designation: **LAFCO No. 2023-06, Pottery World and Avoca Orchards Annexation to the City of Wheatland.**
4. The purpose of the annexation is to provide more areas for development, and additional jobs and revenue for the City of Wheatland.
5. In reviewing this application, the Commission finds that all property owners and agencies in said territory have been given proper notice regarding this change of organization.
6. In reviewing this application, the Commission finds that all property owners in said territory consent to the annexation to the City of Wheatland and the subject agency has not submitted written opposition to a waiver of protest proceedings.
7. In reviewing this application, the Commission finds that there will not be a duplication of other powers provided by any other special district.
8. That the Conducting Authority is authorized to approve the annexation without protest proceedings since satisfactory proof has been given that the subject territory is uninhabited, all landowners within the affected territory were mailed notice pursuant to Government Code Sections 56157 and 56663(b), written opposition to the proposal from affected landowners within the affected territory was not received before the conclusion of the Commission proceedings on the proposal, and that all landowners within the affected territory have given their written consent to the proposal, and all affected

agencies have consented in writing to the waiver of conducting authority proceedings pursuant to Section 56663 of the California Government Code.

9. In reviewing this application, this Commission has considered each of the factors required by California Government Code Section 56668 and LAFCO's policies and finds that each factor has been adequately analyzed by documents within the record before the Commission, including but not limited to the Pottery World/Avoca Orchard Annexation Mitigated Negative Declaration Report (SCH #2023020473).
10. The Executive Officer's Report and recommendation for approval of this proposal is hereby incorporated by reference and adopted.
11. The map and boundary description shall comply with the State Board of Equalization requirements. The geographic description and map, if rejected by the State Board of Equalization or amended by LAFCo, will be revised at the expense of the applicant. The Geographic Description and Map must contain the following information prior to the recording of the Certificate of Completion: LAFCO File 2023-06 Pottery World/Avoca Annexation to the City of Wheatland.
12. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved and are described in Exhibit "A" - Geographic Description and "B" - and Map, attached hereto and incorporated herein to the terms and conditions included.
13. The boundaries of the Plumas-Brophy Fire Protection District shall remain unchanged by this annexation.
14. The boundaries of the affected territory are found to be definite and certain.
15. As stated in the LAFCo Staff Report dated June 26, 2024, the base year revenue property tax is to remain with Yuba County. Property tax increment: 50% of the County's share of the property tax will be transferred to the City of Wheatland for every fiscal year after completion of the annexation. There will be no changes with other agencies receiving a portion of the property tax dollar. After annexation, there will be a sales tax exchange of 12.5% of the sales tax received by the City from retailers in the annexation area to the County. All tax exchanges shall be in accordance with Joint Resolution of the City Council of the City of Wheatland (Resolution 17-13) and the Board of Supervisors of the County of Yuba, Yuba County (Resolution 2013-102) for the territory to be annexed hereto which is attached as Exhibit "C".
16. Pursuant to Section 15096 of the State CEQA Guidelines, the Commission has considered the Mitigated Negative Declaration and Mitigated Monitoring Program as a responsible agency under the California Environmental Quality Act ("CEQA"), exercised its independent judgment and reached its own conclusions in considering the project, and the Commission hereby adopts the following findings regarding the Pottery World/Avoca Orchards as a responsible agency, the Commission considers only the effects of those

activities involved in a project over which it has jurisdiction, i.e., those associated with the annexation action of this project. The Commission certifies that its findings are based on an assessment of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Mitigated Negative Declaration and Mitigated Monitoring Program

(A) On April 25th, 2023, the City of Wheatland, acting as lead agency under CEQA, certified the Mitigated Negative Declaration (MND) and Mitigated Monitoring Program (MMP) for the proposed annexation, entitled the Pottery World/Avoca Orchards project. The Mitigated Negative Declaration (MND) considers and evaluates environmental effects of the proposed annexation that is the subject of this action. The MND analyzed impacts associated with the physical characteristics of the affected territory, short term and long-term growth in the City of Wheatland and surrounding unincorporated areas, provision of public services, and impacts on the protection and management of open space and agricultural lands. The City of Wheatland adopted a mitigated Monitoring Program to avoid or lessen potential impacts where feasible. The City of Wheatland found the following environmental factors would be potentially affected by the annexation of this territory, with at least one impact that is “Less than Significant with Mitigation Incorporated:

1. Conversion of prime agricultural land to Urban Uses and loss of agricultural land
2. Biological Resources
3. Air Quality
4. Cultural Resources
5. Geology and Soils
6. Hazards and Hazardous Materials
7. Hydrology and Water
8. Noise
9. Utilities and Service
10. Tribal Cultural Resources

(B) The Mitigation Monitoring and Reporting Program sets forth numerous mitigation measures to reduce potentially “Less than Significant” impacts and concludes that such impacts can be reduced to a level of insignificance if all mitigation measures proposed in the Mitigated Monitoring and Reporting Program are adopted. On April 25th, 2023, the City of Wheatland adopted all the mitigation measures in . In addition, the City of Wheatland adopted, pursuant to CEQA Section 21081.6 and CEQA Guidelines Section 15091, the Mitigation Monitoring Program to require all reasonably feasible mitigation measures to be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program. The Commission has reviewed and hereby incorporates by

reference the City of Wheatland's Findings, documenting adoption by the City of Wheatland of all mitigation measures proposed to reduce potentially significant impacts. The Commission hereby finds and determines that because the project under review by the Commission includes all feasible mitigation measures, the project does not require imposition of additional mitigation measures by this Commission. The mitigation measures adopted in the environmental process are the responsibility of the City of Wheatland, which will have land use regulatory authority over the site. All mitigation measures can and should be implemented by the City of Wheatland when it authorizes development approvals of the Pottery World/Avoca Orchards Parcels site. See CEQA Guidelines §15091(a)(2).

17. The Commission has reviewed and considered the information contained in the Mitigated Negative Declaration Report and Mitigated Monitoring Program prepared for this project and makes a specific determination that the issues and mitigation measures as adopted by the City of Wheatland adequately address this annexation.
18. The Commission directs the Executive Officer to file a Notice of Determination as provided under Section 15094 of the California Code of Regulations.
19. Approval of this change of organization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Yuba Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Yuba Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
20. All County of Yuba, Yuba LAFCo and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCo will forward invoices for direct payment and/or a list of required fees to the applicant prior to filing the Certificate of Completion.
21. The applicant shall supply an original wet stamped set of maps and Geographic Descriptions suitable for recording (8 ½ x 11 inches) clearly legible, and a reproducible electronic copy in PDF format, of the final LAFCo approved boundary description and map prior to recordation of the Certificate of Completion.
22. The City of Wheatland shall provide LAFCo three copies of a map of limited addresses for all territory within the annexation territory in accordance with State Board of Equalization requirements prior to recordation of the Certificate of Completion.
23. The City of Wheatland shall provide LAFCo with a listing of the assessor's parcels within the annexation/detachment territory prior to recordation of the Certificate of Completion.

24. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings and satisfaction of all requirements set forth herein.
25. Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated.
26. The Executive Officer of this Commission is instructed to transmit a certified copy of this resolution to those persons so indicated on the application, affected agencies, and as required by Government Code Section 56882.

PASSED AND ADOPTED at a regular meeting of the Local Agency Formation Commission of the County of Yuba, State of California, on the 26th day of June, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Brad Hudson, Chair
YUBA LAFCo
COUNTY OF YUBA

ATTEST:

John Benoit
LAFCo Executive Officer

APPROVED AS TO FORM:

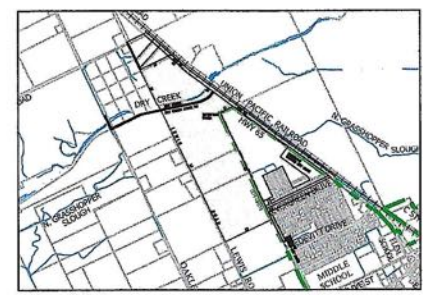
David J. Ruderman
LAFCo Counsel

ANNEXATION # 2023-06
CITY OF WHEATLAND

Exhibit A

A PORTION OF
SECTION 8 OF THAT CERTAIN MAP ENTITLED "PLAT OF THE JOHNSON RANCHO" FILED IN BOOK 29 OF SURVEYS, AT PAGE 4
IN THE UNINCORPORATED AREA OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA
SCALE 1"=200'

DUNDAS GEOMATICS, INC.
199 S. ALBURN ST.
GRASS VALLEY, CA 95945
(530) 274-1616
NOVEMBER 2023



VICINITY MAP
SCALE: NIS



APPROVED BY YUBA LOCAL AGENCY FORMATION COMMISSION.

RESOLUTION NUMBER, _____
DATE: _____

THIS MAP, WHEN RECORDED, WAS ACCOMPANIED BY A CERTIFICATE OF COMPLETION, PREPARED PURSUANT TO SECTIONS 57200-51202 OF THE GOVERNMENT CODE, TO WHICH WAS ATTACHED A CERTIFIED COPY OF THE BOUNDARY DESCRIPTION OF THE TERRITORY SHOWN ON SAID MAP. THE CERTIFICATE OF COMPLETION IS RECORDED AS DOCUMENT NO. _____, NEVADA COUNTY RECORDS.

EXECUTIVE OFFICER, L.A.F.C.O. DATE

RECORDER'S STATEMENT

RECORDED AT THE REQUEST OF _____ EXECUTIVE OFFICER OF
YUBA COUNTY LOCAL AGENCY FORMATION COMMISSION, AT _____ A.M./P.M.
THIS _____ DAY OF _____, 2024, IN BOOK _____ OF SURVEYS AT PAGE
_____, YUBA COUNTY RECORDS.

DOCUMENT NO.: _____
FEE: _____ BY: _____
YUBA COUNTY CLERK-RECORDER

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF THE CITY OF WHEATLAND IN NOVEMBER 2023.

ROBERT J. LAWLESS, PLS 8928



LEGEND

- NEW CITY BOUNDARY
- - - - EXISTING CITY BOUNDARY
- ADJOINING PROPERTY
- P.O.B. POINT OF BEGINNING

COURSES:

- L1 SOUTH 64° 15' 09" WEST, 366.94 FEET
- L2 SOUTH 25° 45' 25" EAST, 2970.00 FEET
- L3 SOUTH 64° 00' 00" WEST, 1301.01 FEET
- L4 NORTH 25° 55' 36" WEST, 3830.25 FEET
- L5 SOUTH 77° 29' 00" WEST, 30.84 FEET
- L6 NORTH 25° 55' 36" WEST, 988.70 FEET
- L7 NORTH 64° 07' 22" EAST, 797.32 FEET
- L8 SOUTH 48° 25' 22" EAST, 655.73 FEET
- L9 SOUTH 53° 43' 31" EAST, 1,412.03 FEET

143.4 ACRES

ANNEXATION NO. LAFCO 2023-06

ANNEXATION TO CITY OF WHEATLAND

GEOGRAPHIC DESCRIPTION

BEING A PORTION OF SECTION 8 OF THAT CERTAIN MAP ENTITLED " PLAT OF THE JOHNSON RANCHO" FILED IN BOOK 29 OF SURVEYS, AT PAGE 4, YUBA COUNTY RECORDS.

BEGINNING AT THE INTERSECTION OF THE STATE HIGHWAY 65 AND THE EXISTING WHEATLAND CITY LIMITS BOUNDARY 2990 FEET, MORE OR LESS, FROM THE INTERSECTION OF SAID STATE HIGHWAY AND EVERGREEN DRIVE. THENCE (L1) SOUTH 64°15'09" WEST, 366.94 FEET ALONG SAID BOUNDARY; THENCE (L2) CONTINUING ALONG SAID BOUNDARY SOUTH 25°45'25" EAST, 2970.00 FEET; THENCE (L3) LEAVING SAID BOUNDARY SOUTH 64°00'00" WEST, 1301.01 FEET TO THE NORTHEASTERLY EDGE OF LEWIS ROAD RIGHT-OF-WAY; THENCE (L4) ALONG SAID RIGHT-OF-WAY NORTH 25°55'36" WEST, 3830.25 FEET TO A POINT ON THE NORTH LINE OF LOT 8 AS SHOWN ON THE SUBDIVISION MAP NO. 79-264 FILED IN BOOK 34 OF MAPS AT PAGE 24, YUBA COUNTY RECORDS, THENCE (L5) SOUTH 77°29'00" WEST, 30.84 FEET; THENCE (L6) NORTH 25°55'36" WEST 988.70 FEET; THENCE (L7) NORTH 64°07'22" EAST, 797.32 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SAID STATE HIGHWAY 65; THENCE FOLLOWING SAID RIGHT-OF-WAY THE FOLLOWING TWO COURSES: 1) (L8) SOUTH 48°25'22" EAST, 655.73 FEET; 2) (L9) SOUTH 53°43'31" EAST, 1,412.03 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 140.7 ACRES+/-.

Robert J. Lawless, P.L.S. 8928
Expires 9-30-2024



Date:

COUNTY OF YUBA RESOLUTION NO. 2013-102

CITY OF WHEATLAND RESOLUTION NO. 17-13

**JOINT RESOLUTION AND AGREEMENT
BY COUNTY OF YUBA AND CITY OF WHEATLAND
CONCERNING MASTER TAX EXCHANGE
RELATING TO CITY ANNEXATIONS**

BE IT RESOLVED by the Board of Supervisors of the County of Yuba ("County") and the City Council of the City of Wheatland ("City") that they make and approve this joint resolution and agreement ("Agreement") as follows:

1. **Recitals.** This Agreement is made with reference to the following background recitals:
 - 1.1. County and City each have adopted a General Plan that provides for appropriate growth and development in their respective growth areas. By this Agreement, the parties seek to ensure the long-term fiscal health and viability of each jurisdiction consistent with the goals and objectives of their General Plans.
 - 1.2. The parties recognize that City residents are residents of both the City and County and that those residents rely on both the City and County for important local government services. The parties desire to ensure that both the County and City have sufficient revenue and fiscal strength to provide the quality services desired by both residents in the City and those in the unincorporated area.
 - 1.3. City and landowners around the City from time to time seek to annex land to the City. The Yuba County Local Agency Formation Commission therefore periodically will receive applications for changes of organization and reorganizations involving annexation to the City.
 - 1.4. The LAFCO Executive Officer is prohibited by law from issuing a certificate of filing for any such application until the City and County determine, pursuant to Revenue and Taxation Code section 99, the amount of property tax revenue to be exchanged between and among the local agencies whose service areas or responsibilities will be altered should a change of organization or reorganization be approved. Section 99(d) authorizes a county and a local taxing agency to enter into a master property tax exchange agreement. City and County are the two local taxing agencies whose service areas and responsibilities would be altered should there be an annexation of territory to the City. The parties acknowledge that annexation of territory to City would not impact the service area or responsibility of any special district in such a manner that it is necessary to negotiate a property tax exchange involving any special district.
 - 1.5. State Constitution article XIII, section 29(b) and Government Code sections 55700 to 55707 authorize counties and cities to enter into agreements to apportion between them the revenue derived from any sales or use tax imposed by them pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or any successor statute, that is

collected for them by the state. State law requires that any sales/use tax exchange agreement be approved by a two-thirds vote of the governing body of each jurisdiction that is a party to the contract.

1.6. Pursuant to Government Code section 55704, County and City find and determine that one or more retailers have been established, or will be established, in the Annexation Area and that consumers residing in both City and the unincorporated area of County are, or will be, purchasing tangible personal property from such retailers. The parties therefore have determined that equity requires that the Sales Tax Revenue from retailers within the Annexation Area be distributed and apportioned in a fair and just manner to both parties pursuant to this Agreement.

1.7. County and City after negotiations have reached an understanding regarding the exchange of various taxes and other matters relating to annexations to City. The parties enter into this Agreement pursuant to Constitution article XIII, section 29(b), Government Code sections 55700 to 55707, Revenue and Taxation Code section 99, and other applicable law.

1.8. In agreeing to the revenue sharing provisions of this Agreement, the parties intend as follows: that County will have sufficient revenues to cover County-wide services related to the Annexation Areas; that City will have sufficient revenues to provide full municipal services to the areas (including future Annexation Areas) within its City limits; that City will be a full service city providing all of the necessary municipal services; that, for any municipal services that County provides directly to City, City will cover its share of those costs; that County's revenue stream will not be lowered due to annexation of lands into the City (excluding any lowering of property values by the County Assessor not related to annexation); and, that property tax sharing between County and City will occur only with respect to post-annexation increases in property assessment (i.e., only the tax increment will be subject to property tax sharing).

2. Definitions. The following definitions apply to this Agreement:

2.1. "Annexation Area" means the territory of the annexations to City as approved by LAFCO during the applicability of this Agreement.

2.2. "Effective Date" has the meaning set forth in section 3.1.

2.3. "LAFCO" means the Yuba County Local Agency Formation Commission.

2.4. "Property Tax Revenue" means the revenue from ad valorem taxes on real property within the meaning of California Constitution article XIII A, section 1 and Revenue and Taxation Code section 95(c) that is levied and collected from within an Annexation Area.

2.5. "Sales Tax Revenue" means the revenue from the local sales and use taxes levied and received by City pursuant to the Bradley-Burns Uniform Local Sales and Use Tax (within the meaning of Government Code section 55702) that is levied and collected within an Annexation Area. Sales Tax Revenue does not include revenue levied and collected by City pursuant to the City Transactions and Use Tax adopted by City Ordinance No. 421 or

any extension of that ordinance or any other local City transactions and use tax adopted by the voters of City.

2.6. "Tax Increment" means the incremental increase in property taxes attributable to post-annexation increases in property assessment. Decreases in property taxes attributable to decreases in property assessment shall mean the Tax Increment is equal to zero.

2.7. "Tax Rate Area" means that grouping of parcels used by the County Assessor for reporting and assessing values of real property by taxing jurisdiction and assisting the County Auditor-Controller in distributing property taxes.

3. Term and Termination.

3.1. This Agreement shall become effective upon the date of approval (the "Effective Date") by the last governing board to adopt and approve the Agreement as indicated by the dates set forth below. This Agreement shall continue in effect for 20 years from the Effective Date. At the end of 20 years, this Agreement shall be extended for an additional five year term, unless a party provides written notice of nonrenewal to the other party prior to the expiration of the 20-year term. At the end of an extended five year term, this Agreement shall be extended for an additional five year term, unless a party provides written notice of nonrenewal to the other party prior to the expiration of the five-year term. At the end of the 20-year and each 5-year extension, the County and City will jointly fund an analysis to determine if the Agreement continues to be equitable, needs to be terminated or modified, and/or should have a firm expiration date.

3.2. Upon any termination of this Agreement, and except as otherwise may be agreed to by the parties pursuant to section 3.1, 5.6 or 14, the exchange of Property Tax Revenue and Sales Tax Revenue pursuant to sections 5 and 6 shall survive and continue post-termination with respect to (a) any Annexation Area annexed to City prior to termination, and (b) any Annexation Area annexed to City after termination if LAFCO issued its certificate of filing for the change of organization or reorganization prior to the termination of this Agreement.

4. Applicability. This Agreement applies to every change of organization and reorganization including the annexation of land to the City within the City's Sphere of Influence at the Effective Date of this agreement (see Figure 1) for which the LAFCO certificate of filing is issued by LAFCO after the Effective Date and prior to the termination of this Agreement.

5. Exchange of Property Tax Revenue. On and after the Effective Date, County and City shall exchange Property Tax Revenue as follows:

5.1. For purposes of this section related to the sharing of Property Tax Revenue, the following definitions shall apply:

"A" equals: The total tax rate in effect in the Tax Rate Area(s) of the Annexation Area during the fiscal year in which the annexation is completed, excluding any voter-approved tax rate(s) for the redemption of bonds. For purposes of this

Agreement, the date of completion of an annexation shall be determined pursuant to Government Code section 57202 (or successor statute).

"B" equals: The taxable assessed valuation of all property, both real and personal, of the Annexation Area as shown on all assessment rolls of the County of Yuba and the State of California for the fiscal year during which the annexation is completed.

"C" equals: The percentage of the total property taxes levied within the Tax Rate Area(s) of the Annexation Area in the fiscal year during which the annexation is completed that are distributed to the County General Fund.

5.2. **Base Year Revenue.** The amount of Property Tax Revenue equal to the product of "A" times "B" times "C" shall be retained by the County.

5.3. **Tax Increment.** For the fiscal year commencing after the completion of an annexation and every fiscal year thereafter, 50% of the annual property Tax Increment attributable to the County's portion of the property tax based on the Tax Rate Areas in the Annexation Area shall be transferred from County to City (i.e., the County share of the tax increment in the Annexation Area shall be split and distributed equally to County and City).

5.4. Either or both County and/or City are authorized to file this Agreement with LAFCO. Pursuant to Revenue and Taxation Code section 99, for any annexation to City within the applicability of this Agreement, the County Auditor-Controller shall adjust the allocation of Property Tax Revenue of the Annexation Area pursuant to the terms of this Agreement.

5.5. Exchange or reallocation of property taxes involving any special district with territory in any Annexation Area is not a part of this Agreement.

5.6. Five years after the Effective Date, County and City will jointly review the property tax sharing formula and the implementation of this Agreement to determine whether the parties' tax sharing agreement objectives are being met. If the review concludes that the objectives are not being met, then County and City agree to enter into good faith negotiations to arrive at a more equitable tax sharing agreement.

6. Exchange of Sales Tax Revenue. On and after the Effective Date, County and City shall exchange Sales Tax Revenue as follows:

6.1. City shall transfer quarterly to County a share of the Sales Tax Revenue from the Annexation Area in an amount equal to 12.5% of Sales Tax Revenue received by City from retailers in the Annexation Area, effective with the first full fiscal year commencing after the annexation is completed.

6.2. Pursuant to Government Code section 55706, a copy of this Agreement shall be transmitted to the County Auditor-Controller and City Administrative Services Director. Thereafter, upon the receipt of Sales Tax Revenue transmitted by the State Board of Equalization pursuant to Revenue and Taxation Code section 7204, the City shall allocate the revenue pursuant to the terms of this Agreement.

7. City Sphere of Influence.

7.1. City's sphere of influence will be reasonably sized to correlate with reasonably foreseeable growth for a period not to exceed 20 years. County and City agree to support a future boundary of the City sphere of influence, when the foreseeable growth necessitates it based on LAFCo regulations, that is generally located along the southeast side of South Beale Road and to the east of Highway 65; however, the Ostrom Road landfill will remain outside any future City sphere of influence and within the unincorporated area unless otherwise jointly agreed upon in writing by County and City. This Agreement will satisfy the requirements of Revenue and Taxation Code section 99 for any proposed annexation within the aforementioned future boundary. In addition, the County and City shall consider establishing compatible infrastructure, services, and land uses near the future City boundary.

7.2. The parties acknowledge that the County General Plan Valley Growth Boundary contained in the General Plan adopted by the County on June 7, 2011 applies to growth and development permitted by the County and that it does not apply to growth and development permitted within the City's incorporated boundaries.

7.3. County agrees that it will not oppose a City request to LAFCO to amend the City sphere of influence consistent with these provisions.

8. Transportation Infrastructure.

8.1. The parties agree to cooperate in good faith on the evaluation and development of regional transportation and traffic improvements, systems and funding to meet the regional transportation, street and highway needs of the area as it develops.

8.2. The City General Plan and any future amendments will consider traffic impacts to County relative to the County General Plan, as may be amended. The County General Plan and future amendments will consider traffic impacts to City relative to the City adopted General Plan, as may be amended.

8.3. City and County will discuss in good faith, the concept of a regional transportation planning effort (which may result in the creation of a regional transportation agency or joint powers authority similar to the South Placer Regional Transportation Agency in Placer County) in order to identify, prioritize, and jointly seek funding for southern Yuba County (i.e., south of Marysville) transportation system improvements, such as the Wheatland bypass, Goldfields Parkway, future freeway interchanges, and other regionally beneficial projects.

9. Facility Impact Fees

9.1 In order to mitigate the impacts associated with County Facilities due to development, the County has adopted a Facility Impact Fee schedule. A facility impact fee has been established and collected by the County for Criminal Justice, Law Enforcement, Health and Human Services, Library and General Government functions. The Facility Impact Fee provides a separate and lower fee specifically for impacts due to development within the incorporated City limits.

9.2 Notwithstanding any other provisions of this agreement, to the extent allowed by law, the City shall approve and collect the capital facilities fee specifically and separately identified for the incorporated city as established from time to time by the County for facility impacts due to development projects within an Annexation Area subject to this agreement. The County Facility Impact Fees collected by the city shall be paid to the County, to mitigate the impacts of growth within an Annexation Area on County capital facilities. The City and County shall work in a collaborative manner and in good faith to ensure that any update to the County's Facility Impact Fee provides for a specific fee for the development in the Annexation Area and that that fee does not duplicate any City Facility Impact Fees.

9.3 For purposes of this section, the City agrees to approve and begin collecting capital facilities fees identified in Section 9.2 no later than January 1, 2015. Payments to County shall be paid quarterly by the City.

9.4 In addition, City may seek in the future to establish particular citywide facilities (such as libraries). County and City agree to discuss and potentially modify the County facility impact fee schedule to avoid duplication of payment of County facility impact fees and City development fees.

10. Prime Agricultural Land Preservation

10.1. In order to minimize and delay the impacts associated with the loss of prime agricultural land (as identified under the Soil Classification System of the California Department of Conservation) within Yuba County to urban development, the City and County agree to the following:

10.1.1 Encourage urban development on non-prime agricultural land first within their respective growth boundaries through mechanisms such as zoning, ordinances, and development agreements, in order to preserve in place existing farms on prime agricultural land until needed to accommodate their respective growth needs. However, the encouragement will be limited to lands that are not needed to provide efficient services for the respective growth area, which will change over time as development occurs.

10.1.2 Promote protection of the operation of farms on prime agricultural land within their respective growth boundaries from being deemed public nuisances through mechanisms such as zoning, ordinances, and development agreements with similar intent as Yuba County Ordinance Code, Chapter 11.55, "Consumer Disclosure – Farming and Mining Operations".

10.1.3 For prime agricultural land mitigation required by either the City or the County of a development project within their respective jurisdiction, preserved prime agricultural land will first be sought on parcels within the Natural Resources land use designation in the Yuba County General Plan and outside of a city sphere of influence, including the proposed sphere of influence described in Section 7 of this Agreement. If adequate mitigation land is not feasibly available on these parcels as determined by the City or County requiring the mitigation, then land outside of

Yuba County can be pursued.

10.1.4 Cooperate in good faith to establish a uniform process under which prime agricultural land mitigation will occur, to ensure consistency in items such as types of easements and uses that are acceptable on preserved land, acceptable responsible entities to ensure preservation is occurring, and so on.

11. Other Obligations and Limitations.

11.1 Annexation of new land into the City shall include the full road right of way for lands adjacent to and abutting County territory, (a) City will be responsible for providing full municipal services to the Annexation Area, including acceptance into the City's maintained mileage list reported to the State, the entirety of all previously County maintained roads that were within the Annexation Area and (b) County will no longer be obligated to provide any additional road improvements, beyond routine maintenance and customary road repair and replacement, on roads not accepted into the City's maintained mileage, but located adjacent to but not abutting the Annexation Area. Routine maintenance and customary road repair and replacement mean the level of road maintenance, repair and replacement provided by the County to roads in the unincorporated area generally.

11.2 In the event that City desires to contract with another local government agency for municipal services of a type that are provided by County, City first shall contact County and both parties will negotiate in good faith on the terms of a County-City services agreement. If an agreement cannot be reached, then City may elect to seek proposals from other agencies.

12. Audit. Either party may request that an independent audit of the Property Tax Revenue allocated to City or of Sales Tax Revenue distributed to County be performed at any time. The party requesting such an audit shall be solely responsible for the costs of the audit. The auditor shall be jointly selected by the County Administrator and the City Manager. If the audit discloses that a party received less revenue than it should have received under this Agreement, then City or County will make any adjustments required as a result of the audit within 60 days of receipt of the audit or such other time period as agreed to by the parties. The adjustment shall be in the form of a payment from the overpaid party to the underpaid party consistent with the audit findings or such other remedy as agreed to by the parties. The scope of any audit and repayment obligation under this section shall be limited to the latest three completed fiscal years. If a party disagrees with the audit findings, then it may pursue a declaratory relief or other appropriate lawsuit to review the audit findings.

13. Default.

13.1. By City.

13.1.1. In addition to any remedies County may have at law or in equity in the event of default by City, County may withhold from Property Tax Revenue payments due to City an amount equal to the amount of Sales Tax Revenue and/or development impact fee collection as identified in section 8.3 that City has failed to pay to County in a timely manner, provided that County shall have first given City 30 days written notice of County's intent to offset.

13.1.2. In the event that City fails to transfer Sales Tax Revenue and/or collect and transfer development impact fees as identified in section 8.3 within the times specified in this Agreement, City shall pay interest to County compounded monthly at a rate equal to the County's average pooled investment interest rate as of June 30 of the preceding fiscal year.

13.2. By County.

13.2.1. In addition to any remedies City may have at law or in equity in the event of default by County, City may withhold from Sales Tax Revenue payments due to County an amount equal to the amount of Property Tax Revenue that County has failed to pay to City in a timely manner, provided that City shall have first given County 30 days written notice of City's intent to offset.

13.2.2. In the event that County fails to transfer Property Tax Revenue within the times specified in this Agreement, County shall pay interest to City compounded monthly at a rate equal to the City's average pooled investment interest rate as of June 30 of the preceding fiscal year.

14. Reformation. County and City intend that this Agreement will result in a 50%/50% split in property Tax Increment revenue and an 87.5%/12.5% split in Sales Tax Revenue for Annexation Areas. County and City understand and acknowledge that this Agreement is based upon existing law at the time of the Agreement and that such law may be amended in the future. In the event of an amendment of state law that renders this Agreement invalid or inoperable or that denies a party the full benefit of this Agreement, in whole or in part, then County and City agree to enter into good faith negotiations to arrive at a new equitable tax sharing agreement consistent with the intentions of the parties in this Agreement.

15. General Provisions.

15.1. Execution. County authorizes the Chair of its Board of Supervisors and County Clerk to sign this Agreement on behalf of the County. City authorizes its Mayor and City Clerk to sign this Agreement on behalf of the City.

15.2. Integration. This Agreement constitutes the sole, final, complete, exclusive and integrated expression and statement of the terms of this contract among the parties concerning the subject matter addressed herein, and supersedes all prior negotiations, representations or agreements, either oral or written, that may be related to the subject matter of this Agreement, except (a) those other documents that are expressly referenced in

this Agreement, and (b) the County-City annexation-related tax sharing agreements that predate the date of this Agreement.

15.3. Construction and Interpretation. The parties agree and acknowledge that this Agreement has been arrived at through negotiation, and that each party has had a full and fair opportunity to revise the terms of this Agreement. Consequently, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

15.4. Waiver. The waiver at any time by any party of its rights with respect to a default or other matter arising in connection with this Agreement shall not be deemed a waiver with respect to any subsequent default or matter.

15.5. Severability. If any part of this Agreement is held to be void, invalid, illegal or unenforceable, then the remaining parts will continue in full force and effect and be fully binding, provided that each party still receives the benefits of this Agreement.

15.6. Further Assurances. The parties, in order to carry out and give full effect to this Agreement, each shall use all reasonable efforts to provide such information, execute and deliver such further instruments and documents and take such actions as may be reasonably requested by the other party, so long as not inconsistent with the provisions of this Agreement and not involving the assumption of obligations or liabilities different from, in excess of, or in addition to those expressly provided for in this Agreement.

15.7. Amendment. This Agreement may be modified or amended only by a subsequent written agreement approved and executed by both parties. Amendment requires approval by resolution adopted by the governing board of each party and, if the amendment relates to the exchange of Sales Tax Revenue, the resolution must be adopted by two-thirds vote of each governing board.

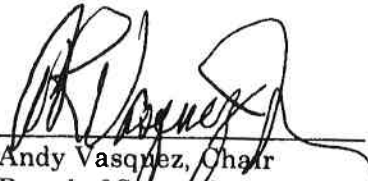
15.8. Notices. Any notice, demand, invoice or other communication required or permitted to be given under this Agreement shall be in writing and either served personally or sent by prepaid, first class U.S. mail and addressed as follows:

County: County Administrator County of Yuba 915 8th Street, Suite 115 Marysville, CA 95901	City: City Manager City of Wheatland P.O. Box 395 111 C Street Wheatland, CA 95692
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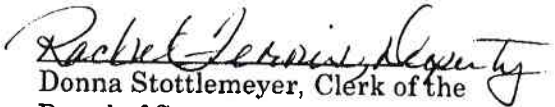
Any party may change its address by notifying the other party in writing of the change of address.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Yuba on the 24 day of September 2013, by the following two-thirds vote:


AYES: Supervisors Vasquez, Nicoletti, Griego, Abe
NOES: Supervisor Stocker
ABSTAIN: None
ABSENT: None

By: 
Andy Vasquez, Chair
Board of Supervisors

Attest:


Donna Stottlemeyer, Clerk of the
Board of Supervisors

Approved as to form:


Angil Morris-Jones, County Counsel

PASSED, ADOPTED AND APPROVED by the City Council of the City of Wheatland on the 24th day of September 2013, by the following two-thirds vote:

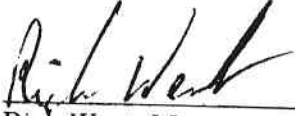
AYES: Pendergraph, Coe, McIntosh, West

NOES:

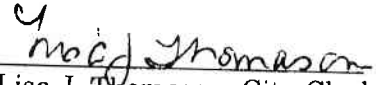
ABSTAIN:

ABSENT: Henderson

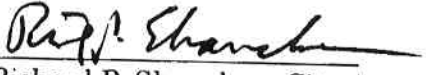
By:


Rick West, Mayor

Attest:


Lisa J. Thomason, City Clerk

Approved as to form:


Richard P. Shanahan, City Attorney

**WHEATLAND CITY COUNCIL
RESOLUTION NO. 16-23**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND APPROVING THE
ANNEXATION OF THE 140-ACRE POTTERY
WORLD/AVOCA ORCHARDS ANNEXATION PROJECT
INTO THE CITY OF WHEATLAND**

WHEREAS, the City of Wheatland (“City”) received an application from James Rodda for the annexation of the approximately 30-acre property located east of State Route 65 in the City of Wheatland (APN 015-100-053) and an application from Peter Meier for the annexation of the approximately 110-acre property located east of State Route 65 in the City of Wheatland (APNs 015-100-061, -084, and -089) (“Project”); and

WHEREAS, the property owners of the Pottery World and Avoca Orchards properties having Yuba County APNs. 051-100-053, 051-100-061, 051-100-084, and 051-100-089 have requested that the City Council adopt a resolution of annexation into the City of Wheatland and request that Yuba County Local Agency Formation Commission (LAFCo) approve that annexation; and

WHEREAS, the Project is within the sphere of influence of the City, as adopted by the Yuba County Local Agency Formation Commission, and is adjacent to the existing City limits; and

WHEREAS, Government Code section 56654, subdivision (a), authorizes the City to adopt a resolution of application for annexation of the Project into the City; and

WHEREAS on April 25, 2023, the Wheatland City Council approved the Pottery World/Avoca Orchards Project Initial Study/Mitigated Negative Declaration (IS/MND), the Pottery World/Avoca Orchards Project Mitigation Monitoring Program (MMP), and Errata Sheet; and

WHEREAS on April 4, 2023, the Planning Commission recommended the Wheatland City Council approve the Pottery World/Avoca Orchards Annexation Project; and

WHEREAS, The City Council duly gave notice of the public hearing as required by law; and,

WHEREAS on April 25, 2023, the Wheatland City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE, BE IT RESOLVED AND DETERMINED, by the City of Wheatland City Council determines and certifies as follows:

1. City Council approves the filing of an application for annexation of the Pottery World/Avoca Orchards Annexation Project with the Yuba County LAFCo in order to annex the Property to the City, pursuant to Government Code section 56654, subdivision (a). The following information is provided pursuant to Government Code sections 56654, subdivision (d), and 56700:

- a. The City's application for annexation is made pursuant to Government Code section 56000, et seq.
 - b. The nature of the proposal is the proposed annexation of approximately 140 acres of real property. The Project and the proposed annexation are more particularly described in the IS/MND that was prepared for the proposed Annexation.
 - c. The proposed terms of the annexation shall include: (i) any terms regarding the rezoning of the Project, which would become effective after annexation; (ii) any terms that are included in the Master Tax Sharing Agreement between the City and Yuba County, which applies to tax revenues for the Project after annexation.
 - d. The annexation is being initiated by the approval of this resolution of application of the City Council. The City's contact person for this annexation is Tim Raney, Community Development Director, 111 C Street, Wheatland, CA 95692.
 - e. The City Council requests that formal proceedings be taken before Yuba County LAFCo on this resolution of application in accordance with Government Code sections 56000, et seq.
 - f. This proposal to annex the Project to the City is consistent with the City's sphere of influence and the Project is adjacent to the City's existing boundary.
2. City staff shall take all actions that may be necessary to process the proposed annexation with Yuba County LAFCo, which may include preparing and providing LAFCo with a plan of service for how the City will provide City services to the Project.

* * * * *

PASSED AND ADOPTED by the City Council of City of Wheatland, State of California this 25th day of April 2023, by the following vote:

AYES: Teter, West, Coe, McIntosh

NOES: Shelton

ABSTAIN:

ABSENT:

APPROVED:



Mayor of the City of Wheatland

ATTEST:



Lisa Thomason, City Clerk

*Pottery World/Avoca Orchards Project
Initial Study/Mitigated Negative Declaration*

XV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a-e. Within the unincorporated areas of the County, including the project sites, fire protection services are provided by CAL FIRE and U.S. Forest Service; and the Yuba County Sheriff's Department and the California Highway Patrol serve as law enforcement providers. The County includes the Marysville Joint Unified School District, Plumas Lake Elementary School District, and Camptonville Union Elementary School District. Yuba County operates nine local parks and one regional park. Additionally, the Yuba County Library is located at 303 2nd Street in the City of Marysville.

The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly increase demand for public services.

Nonetheless, following annexation, the project sites would be serviced by the City's public service providers. Within the City limits, the Wheatland Fire Authority (WFA) provides fire protection services through a Joint Powers Agency (JPA) comprised of the City of Wheatland and the Plumas Brophy Fire Protection District. Police protection services are provided by the Wheatland Police Department. The Wheatland School District is comprised of two elementary schools, a middle school, and a K-12 charter academy, and the Wheatland Union High School District includes two high schools. Parks and recreational amenities are provided by the City's Recreation Department.

The proposed project would allow for the future development of the Pottery World and Avoca Orchards sites with light industrial and residential uses, respectively. However, as discussed throughout this IS/MND, the proposed project would not modify the anticipated use of the Avoca Orchards site. As such, development of the Avoca Orchards site with residential uses was previously anticipated by the City, and impacts associated with development of the site, including future demand on the City's public services, has been analyzed within the City's General Plan EIR. As discussed therein, with implementation of applicable General Plan policies and payment of the City's development fees, the General Plan EIR concluded that impacts to public services associated with buildout of the General Plan would be less than significant. Because development of the Avoca Orchards site with residential uses was previously anticipated by the City, the only potential for increase in demand from what is already expected and planned for the sites would be associated with future development of the Pottery World Site, due to the proposed General Plan Amendment for that site.

Because future development within the Pottery World site would be industrial in nature, future development of the site would not result in population growth that could result in increased demand on existing schools, parks, or recreational facilities. With regard to fire protection services, the Plumas Brophy Fire Department is located approximately 0.4-mile north of the project site, and the Wheatland Fire Department is located approximately 1.9 miles south of the site. In addition, with regard to police protection services, the City's Police Department headquarters is located approximately two miles south of the project site. Operation of the proposed light industrial uses would not be anticipated to involve activities that would lead to a significant increase in the demand for fire or police protection services from what currently occurs in the project area. Thus, the provision of new or physically altered fire protection or police protection facilities would not be required in order to adequately serve the project.

Any on-site future development would be constructed in accordance with the fire protection requirements of the most recent California Fire Code, which require built-in fire protection such as fire sprinkler systems. Compliance with such would help to reduce initial fire losses and the time required to suppress the fire. In addition, future on-site development would be subject to payment of applicable development impact fees at the time of building permit issuance, including the City's Law Enforcement Facilities Fee, Fire Protection Facilities Fee, General Government Facilities Fee, and Parkland Facilities Fee. Payment of such fees would go towards maintaining service levels and the expansion and/or creation of public services and facilities accordingly. In addition, future development would be subject to payment of school impact fees collected by the Wheatland Elementary School District and the Wheatland High School District. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "[...] legislative or adjudicative act...involving ...the planning, use, or development of real property" (Government Code 65996[b]). Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation."

Based on the above, the proposed project would have a ***less-than-significant*** impact related to the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts.

**WHEATLAND CITY COUNCIL
RESOLUTION NO. 17-23**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
APPROVING THE GENERAL PLAN MAP AMENDMENT AMENDING
THE LAND USE DESIGNATION FROM URBAN RESERVE TO EMPLOYMENT
FOR THE PROPERTY IDENTIFIED AS YUBA COUNTY
ASSESSOR PARCEL NUMBER (APN) 051-100-053**

WHEREAS, the City of Wheatland (“City”) received an application from James Rodda for the annexation of the approximately 30-acre property located east of State Route 65 in the City of Wheatland (APN 015-100-053) and an application from Peter Meier for the annexation of the approximately 110-acre property located east of State Route 65 in the City of Wheatland (APNs 015-100-061, -084, and -089) (“Project”); and

WHEREAS, the property owners of the Pottery World/Avoca Orchards properties have requested that the City Council adopt a resolution amending the General Plan Land Use Designation for the Pottery World Project site (APN 051-100-053) from Urban Reserve to Employment; and

WHEREAS, Section 65358 of the California Government Code provides for the amendment of all or part of an adopted General Plan; and

WHEREAS on April 25, 2023, the Wheatland City Council approved the Pottery World/Avoca Orchards Project Initial Study/Mitigated Negative Declaration (IS/MND), the Pottery World/Avoca Orchards Project Mitigation Monitoring Program (MMP), and Errata Sheet; and

WHEREAS on April 25, 2023, the Wheatland City Council approved the annexation of the 140-acre Pottery World/Avoca Orchards Project area; and

WHEREAS, on April 4, 2023, the Planning Commission recommended the Wheatland City Council approve the General Plan Land Use Designation Map Amendment for the Pottery World Project site (APN 051-100-053) from Urban Reserve to Employment; and

WHEREAS, The City Council duly gave notice of the public hearing as required by law; and,

WHEREAS on April 25, 2023, the Wheatland City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, by the City of Wheatland City Council determines and certifies as follows:

1. The proposed project conforms to the provisions and standards of the General Plan because the proposed amendment is internally consistent with all other provisions of the General Plan and does not conflict with any of the previously adopted Goals, Policies and Programs of the General Plan;
2. The proposed Map Amendment is necessary to implement the goals and objectives of the General Plan because the project will provide additional jobs and sales taxes to the City;

3. The proposed Map Amendment will not be detrimental to the public interest, convenience, and general welfare of the City because the Map Amendment will result in a logical placement of land uses consistent with the overall intent of the General Plan; and
4. The proposed project will not cause environmental damage because the Pottery World/Avoca Orchards IS/MND determined that all potential environmental impacts would be less than significant with mitigations incorporated.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council amends the General Plan Land Use Designation for the Pottery World Project site (APN 051-100-053) from Urban Reserve to Employment.

* * * * *

PASSED AND ADOPTED by the City Council of City of Wheatland, State of California this 25th day of April 2023, by the following vote:

AYES: Teter, Coe, McIntosh, Shelton, West
NOES:
ABSTAIN:
ABSENT:

APPROVED:



Mayor of the City of Wheatland

ATTEST:



Lisa Thomason, City Clerk

ORDINANCE NO. 491

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
TO PREZONE THE PROPERTY (APN) 015-100-053 TO LIGHT INDUSTRIAL (M-1),
THE PROPERTIES (APNs) 015-100-084 AND 015-100-089 TO
RESIDENTIAL SINGLE FAMILY (R-1), AND THE PROPERTY (APN) 015-100-061 TO
RESIDENTIAL SINGLE FAMILY (R-1) AND TWO FAMILY RESIDENTIAL (R-2)**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1:

The purpose of this ordinance is to approve the pre zoning of the Pottery World/Avoca Orchards Annexation Project as Light Industrial (M-1), Residential Single Family (R-1) and Two Family Residential (R-2), once the Yuba County Local Agency Formation Commission (LAFCo) approves the annexation of the properties into the City of Wheatland. This ordinance is adopted pursuant to Government Code sections 65853-65859, and other applicable law

SECTION 2:

The City Council determined on April 25, 2023 , that, after full consideration of the Pottery World/Avoca Orchards Annexation Project:

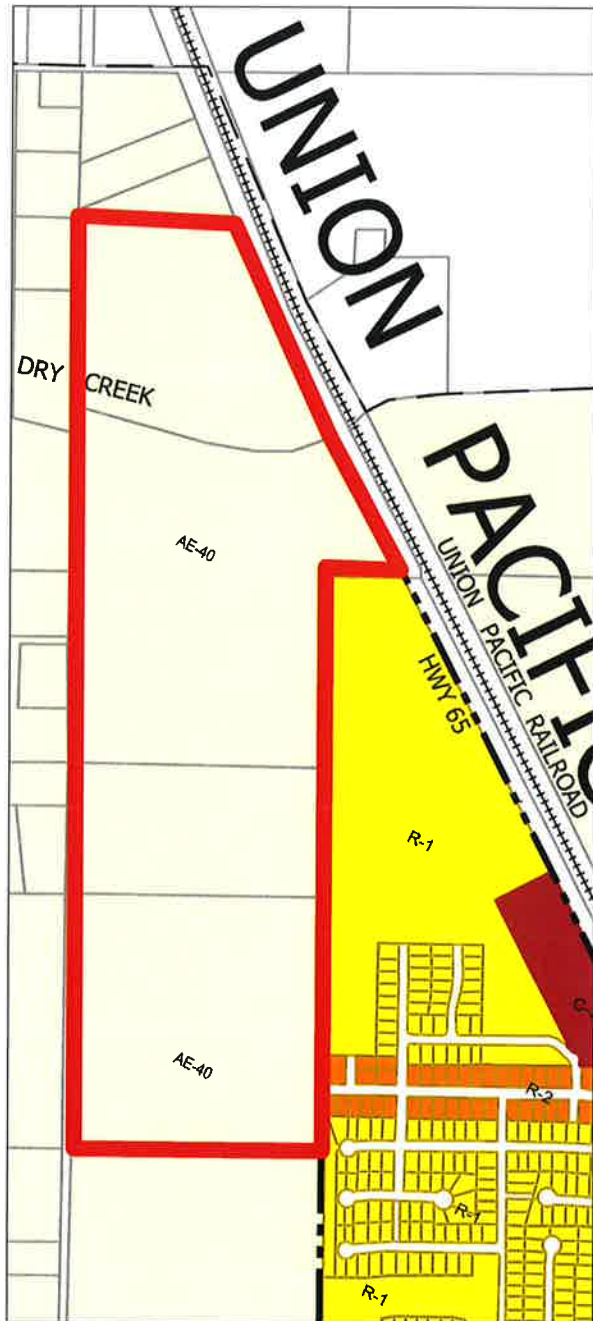
- A. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed project. The IS/MND addressed all the subjects required pursuant to the California Environmental Quality Act (CEQA).
- B. A Mitigation Monitoring Plan (MMP) has been prepared in compliance with CEQA in order to ensure implementation of the mitigation measures outlined in the IS/MND.
- C. The proposed pre zoning to M-1, R-1, and R-2 is consistent with and would implement the policies of the City of Wheatland General Plan.
- D. The area is physically suited to the uses authorized in the proposed zone.
- E. The proposed pre zoning is compatible with the land uses existing and permitted on the properties in the vicinity.
- F. The land uses and their density and intensity, allowed in the proposed zones are not likely to create serious health problems or create nuisances on properties in the vicinity.
- G. Government Code Section 65859 authorizes the City to prezone unincorporated territory to determine the City zoning that will apply to that territory upon annexation to the City.

SECTION 3:

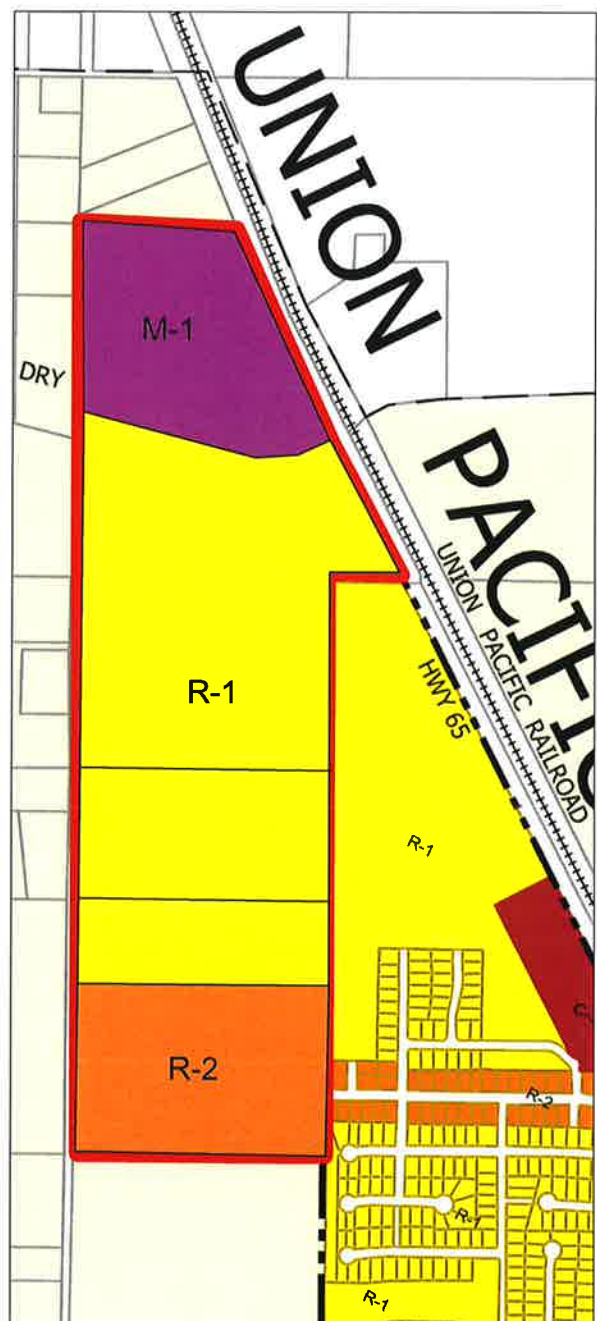
The Wheatland City Council hereby approves the proposed rezoning shown below, as Light Industrial (M-1), Single Family Residential (R-1), and Two Family Residential (R-2). The rezoning shall become effective and be made a part of the City's Zoning Ordinance when the property is annexed to the City, which requires approval of the proposed annexation by the Yuba County LAFCo.

Proposed Zoning Map Amendment

Existing Zoning Map



Proposed Zoning Map



SECTION 4:

The City Council finds that if any part of this ordinance is held by a court of competent jurisdiction to be invalid or unenforceable, then such decision shall not affect the validity of the remaining parts, which shall remain in full force and effect.

SECTION 5:

This ordinance shall take effect and be enforced 30 days from and after the date of its adoption.

SECTION 6:

Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

* * * * *

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Wheatland, held on the 25th of April 2023, and passed and adopted at a regular meeting thereof, held on the 9th day of May 2023, by the following vote:

AYES: Coe, West, McIntosh, Teter

NOES: Shelton

ABSENT:

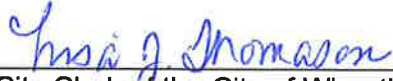
ABSTAIN:

AYES:
NOES:
ABSENT:
ABSTAIN:



Mayor of the City of Wheatland

ATTEST:



City Clerk of the City of Wheatland

**WHEATLAND CITY COUNCIL
RESOLUTION NO. 15-23**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
APPROVING THE POTTERY WORLD/AVOCA ORCHARDS PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION,
THE POTTERY WORLD/AVOCA ORCHARDS PROJECT MITIGATION
MONITORING PROGRAM, AND ERRATA SHEET**

WHEREAS, the City of Wheatland (“City”) received an application from James Rodda for the annexation of the approximately 30-acre property located east of State Route 65 in the City of Wheatland (APN 051-100-053) and an application from Peter Meier for the annexation of the approximately 110-acre property located east of State Route 65 in the City of Wheatland (APNs 051-100-061, -084, and -089) (“Project”); and

WHEREAS, the City prepared an Initial Study and Mitigated Negative Declaration (IS/MND), Mitigation Monitoring Program (MMP), and Errata Sheet, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the “CEQA Guidelines”); and

WHEREAS, the IS/MND concluded that the Project, with the implementation of the mitigation measures recommended in the Initial Study, will not have a significant effect on the environment; and

WHEREAS, the City therefore prepared an IS/MND for the Project and a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was circulated for a 30-day review period from February 17, 2023 to March 20, 2023 in accordance with CEQA; and

WHEREAS, the IS/MND incorrectly identified the location of Grasshopper Slough and minor corrections were made to the IS/MND discussion. An Errata Sheet was prepared denoting these minor corrections and is included in Exhibit C to this Resolution. None of the changes result in modifications to the conclusions of the IS/MND and do not result in significant new information. Therefore, recirculation is not required; and

WHEREAS on April 4, 2023, the Planning Commission recommended the Wheatland City Council approve the IS/MND, MMP, and Errata Sheet; and

WHEREAS the City Council gave notice of public hearing as required by law; and on April 25, 2023, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, recommending City Council approval of the IS/MND, MMP, and Errata Sheet. The Final IS/MND, MMP, and Errata Sheet are attached as Exhibit A, Exhibit B, and Exhibit C to this Resolution respectively.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED by the City of Wheatland City Council determines and certifies as follows:

A. The foregoing recitals are true and correct.

B. The IS/MND, MMP, and Errata Sheet has been completed in compliance with CEQA and the CEQA Guidelines.

C. The IS/MND, MMP, and Errata Sheet was presented to the City Council who reviewed and considered the information contained therein prior to approving the Project. The IS/MND, MMP, and Errata Sheet reflects the City Council's independent judgment and analysis as to the environmental effects of the Project.

D. The City Council hereby certifies the IS/MND, MMP, and Errata Sheet as adequate. A copy of the certified IS/MND, MMP, and Errata Sheet is on file with the City Clerk.

E. The City Council hereby adopts the findings concerning significant impacts, mitigation measures and alternatives, as set forth in the IS/MND, which is attached hereto as Exhibit A and incorporated herein by reference.

F. The City Council hereby adopts the Mitigation Monitoring and Reporting Program (MMRP), as set forth in Exhibit B, which is attached here to and incorporated herein by reference, in order to ensure that all mitigation measures relied on in the findings are full implemented. The City will use the MMRP to track and ensure compliance with the Project's mitigation measures. The MMRP will remain available for public review during the compliance period.

G. The City Council hereby adopts the Errata Sheet, as set forth in Exhibit C, which is attached hereto and incorporated herein by reference.

* * * * *

PASSED AND ADOPTED by the City Council of City of Wheatland, State of California this 25th day of April 2023, by the following vote:


AYES: McIntosh, Teter, Coe, West

NOES: Shelton

ABSTAIN:

ABSENT:

APPROVED:



Mayor of the City of Wheatland

ATTEST:



Lisa Thomason, City Clerk

Exhibit A

Pottery World / Avoca Orchards Project

Initial Study / Mitigated Negative Declaration

City of Wheatland
Community Development Department



Pottery World/Avoca Orchards Project

Initial Study/Mitigated Negative Declaration

February 2023

Prepared by



1501 Sports Drive, Suite A, Sacramento, CA 95834

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INITIAL STUDY

February 2023

A. BACKGROUND

1. Project Title: Pottery World/Avoca Orchards Annexation, General Plan Amendment, and Pre-Zone Project
2. Lead Agency Name and Address: City of Wheatland
Community Development Department
111 C Street
Wheatland, CA 95692
3. Contact Person and Phone Number: Kevin Valente
Senior Planner
(916) 372-6100
4. Project Location: 2090 State Route (SR) 65, east of Lewis Road,
south of Dry Creek, and west of SR 65
Wheatland, CA 95692
APNs: 015-100-053, -061, -084 and -089
5. Project Sponsors' Names and Addresses: Pottery World Site
James Rodda
4419 Granite Drive
Rocklin, CA 95677
Avoca Orchards Site
Peter Meier
30 Theresa Court
Novato, CA 94947
6. Existing General Plan Designation: Pottery World Site
Urban Reserve (UR)
Natural Resources – Yuba County
Avoca Orchards Site
Low Density Residential (LDR)
Low-Medium Density Residential (LMDR)
Medium Density Residential (MDR)
Natural Resources – Yuba County
7. Existing Zoning: Pottery World Site
Agriculture (AE-40) – Yuba County
Avoca Orchards Site
Agriculture (AE-40) – Yuba County

8. Proposed General Plan Designation: Pottery World Site
Employment
Avoca Orchards Site
LDR
LMDR
MDR
9. Proposed Pre-Zoning: Pottery World Site
Light Industrial (M-1)
Avoca Orchards Site
Residential Single-Family (R-1)
Two-Family Residential (R-2)
10. Required Approvals from Other Public Agencies: Annexation – Yuba County Local
Agency Formation Commission
(LAFCo)

11. Surrounding Land Uses and Setting:

The approximately 140-acre project area consists of two project sites: the approximately 30-acre Pottery World project site (identified by Assessor's Parcel Number [APN] 015-100-053) and the approximately 110-acre Avoca Orchards project site (identified by APNs 015-100-061, -084 and -089). Both the Pottery World project site and the Avoca Orchards project site are currently planted with orchards. In addition, an existing single-family residence and three associated outbuildings are located in the northeast portion of the Pottery World site, and a maintenance yard and associated building are located in the western portion of the Avoca Orchards site.

Generally, surrounding existing uses include the Plumes Brophy Fire Department and agricultural land to the north; agricultural land, rural residences, and single-family residences to the east and west; and agricultural land to the south. SR 65 and Union Pacific Railroad (UPRR) tracks bound the Pottery World project site to the east.

The project sites are located outside of, and directly north and west of, the Wheatland City limits; however, the sites are included in the City of Wheatland General Plan and Sphere of Influence (SOI). The City of Wheatland General Plan designates the Pottery World project site as Urban Reserve (UR), and the Avoca Orchards project site is as Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Medium Density Residential (MDR). Because the sites are not within the City of Wheatland, the sites do not have a City zoning designation. The Yuba County General Plan designates both of the sites as Natural Resources and the sites are zoned Agriculture (AE-40) by the County.

12. Project Description Summary:

The Pottery World/Avoca Orchards Project (proposed project) consists of the annexation of both sites (approximately 140 acres total) into the City of Wheatland. Annexation is ultimately subject to approval by Yuba Local Agency Formation Commission (LAFCo). The Pottery World site would require approval to amend the General Plan land use designation from UR to Employment, and Pre-Zone the project site with a City zoning

designation of Light Industrial District (M-1). The Avoca Orchards site would require Pre-Zoning of the site with a City zoning designation of Residential Single-Family (R-1) and Two-Family Residential (R-2) consistent with the City's land use designation for the site. Development of the Pottery World or Avoca Orchards project sites is not currently proposed as part of the project. Any future development on the project sites would be subject to subsequent environmental review and approval by the City.

13. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

In compliance with Assembly Bill (AB) 52 (Public Resources Code [PRC] Section 21080.3.1), a project notification letter was distributed to the United Auburn Indian Community of the Auburn Rancheria (UAIC) on November 21, 2022. Responses requesting formal consultation have not been received at this time.

B. SOURCES

The following documents are referenced information sources used for the purpose of this Initial Study:

1. CalEPA. *Cortese List Data Resources*. Available at: <https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed November 2022.
2. California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed December 2022.
3. California Energy Commission. *Renewables Portfolio Standard – RPS*. Available at: <https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard>. Accessed December 2022.
4. CalRecycle. *SWIS Facility/Site Activity Details, Recology Ostrom Road LF Inc. (58-AA-0011)*. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/733?siteID=4075>. Accessed December 2022.
5. Caltrans. *Scenic Highways*. Available at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed November 2022.
6. Cordua Irrigation District, Yuba Water Agency, City of Marysville. *Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan*. December 2019.
7. Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed December 2022.
8. Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese)*. Available at: <https://www.envirostor.dtsc.ca.gov/public/>. Accessed November 2022.
9. Sacramento Area Council of Governments. *Beale Air Force Base Land Use Compatibility Plan*. Approved March 2011.
10. State Water Resources Control Board. *GeoTracker*. Available at: <https://geotracker.waterboards.ca.gov/map/?myaddress=California&from=header&cqid=8858350455>. Accessed November 2022.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

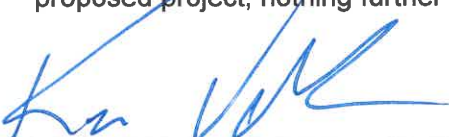
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Less-Than-Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

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

D. DETERMINATION

On the basis of this initial study:

- 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 applicant. 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” 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 pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Kevin Valente, Senior Planner

Printed Name

2/17/2023

Date

City of Wheatland

For

E. BACKGROUND AND INTRODUCTION

This Initial Study/Mitigated Negative Declaration (IS/MND) identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document is organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. Where the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures are prescribed.

The mitigation measures prescribed for environmental effects described in this IS/MND would be implemented in conjunction with the project, as required by CEQA. The mitigation measures would be incorporated into the project through project conditions of approval. The City would adopt findings and a Mitigation Monitoring and Reporting Program for the project in conjunction with approval of the project.

In 2006, the City of Wheatland adopted the City's General Plan and adopted an Environmental Impact Report (EIR) for the General Plan. The General Plan EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations [CCR] Sections 15000 et seq.). The General Plan EIR analyzed full implementation of the General Plan and identified measures to mitigate the significant adverse impacts associated with the General Plan. Consistent with Section 15150 of the CEQA Guidelines, applicable portions of the General Plan and General Plan EIR are incorporated by reference as part of this IS/MND.

F. PROJECT DESCRIPTION

The following provides a description of the project sites' current location and setting, as well as the proposed project components and the discretionary actions required for the project.

Project Location and Setting

The 140-acre project area consists of two project sites: the approximately 30-acre Pottery World project site and the approximately 110-acre Avoca Orchards project site. Each site is discussed in more detail below.

Pottery World Project Site

The Pottery World project site is located at 2090 State Route (SR) 65 in unincorporated Yuba County, California (see Figure 1 and Figure 2). Currently, the approximately 30-acre project site, identified by APN 015-100-053, is predominantly planted with orchards. In addition, an existing single-family residence and three associated outbuildings are located in the northeast portion of the site. Surrounding existing uses include the Plumes Brophy Fire Department and agricultural land to the north; agricultural land and rural residences to the east and west; and agricultural land and single-family residences to the south. SR 65 and UPRR tracks bound the site to the east. Although the project site is located outside of, and directly north of, the Wheatland City limits, the project site is included in the City of Wheatland General Plan and SOI. The City of Wheatland General Plan designates the site as UR. Because the project site is not within the City of Wheatland, the site does not have a City zoning designation. The Yuba County General Plan designates the site as Natural Resources and the site is zoned AE-40 by the County.

Avoca Orchards Project Site

The Avoca Orchards project site is located east of Lewis Road, south of Dry Creek, and west of SR 65 in the City of Wheatland, California (see Figure 1 and Figure 2).

Figure 1
Regional Location Map



Figure 2
Project Site Boundaries Map



Currently, the approximately 110-acre project site, identified by APNs 015-100-061, -084 and -089, is predominantly planted with orchards. In addition, a maintenance yard and associated building are located in the western portion of the site. A portion of Dry Creek is located along the northern boundary of the Avoca Orchards site, just north of Levee Road, and Grasshopper Slough runs through the central portion of the site. Surrounding existing uses include the agricultural land to the north; agricultural land and single-family residences to the east; and agricultural land and rural residences to the west and south. Although the project site is located outside of, and directly west of, the Wheatland City limits, the project site is included in the City of Wheatland General Plan and SOI. The City of Wheatland General Plan designates the site as LDR, LMDR, and MDR. Because the project site is not within the City of Wheatland, the site does not have a City zoning designation. The Yuba County General Plan designates the site as Natural Resources and the site is zoned AE-40 by the County.

Project Components

The proposed project consists of the annexation of both sites (approximately 140 acres total) into the City of Wheatland. Annexation is ultimately subject to approval by Yuba LAFCo.

The Pottery World site would require approval to amend the General Plan land use designation from UR to Employment, and Pre-Zone the project site with a City zoning designation of M-1. According to the City's General Plan, the Employment designation provides for office parks, research and development, warehouses and light manufacturing related to research and development, general commercial uses that cater to industrial uses in this designation, professional offices, public and quasi-public uses, and similar and compatible uses, with a floor-area-ratio (FAR) not exceeding 0.50. Similarly, according to Chapter 18.39 of the City's Municipal Code, the purpose of the M-1 district is to provide for the establishment of areas where light manufacturing, wholesaling, storage, and transfer functions (with a lot coverage not to exceed 60 percent) can serve the community's need for industrial activities not offensive to nearby commercial and residential uses. Therefore, based on the proposed land use and Pre-Zoning designations of the Pottery World site, the proposed project could allow for a maximum of 653,400 sf of light industrial uses, such as: manufacturing, processing, assembling, contracting, repair, office, research, transportation, transfer, storage, wholesale or administrative uses; short order convenience grocery markets with a gross floor area not to exceed 3,000 sf; public buildings; livestock feed sales; fuel sales yards; construction and materials yards; cooperage and bottling; sheet metal; welding; truck terminals; lumber yards; and research institutes.

It should be noted that according to Section 18.39.050 of the City's Municipal Code, M-1 uses within two hundred feet of the boundary of any residential district, shall not exceed the maximum height permitted in such adjoining R district. As discussed in further detail below, because the Avoca Orchards site would be Pre-Zoned as R-1 and R-2, future development within the Pottery World site would be required to adhere to the height requirements of the R-1 and R-2 zoning districts described below.

The Avoca Orchards site would require Pre-Zoning of the site with a City zoning designation of R-1 and R-2, consistent with the site's General Plan designations of LDR, LMDR, and MDR, which would remain. According to the City's General Plan, the LDR, LMDR, and MDR land use designations provide for single-family detached homes, secondary residential units, public and quasi-public uses, and similar and compatible uses. The residential densities and allowed FAR within the land use designations vary as follows:

- LDR – Density: 3.0 to 4.0 units per gross acre/FAR: 0.30;
- LMDR – Density: 4.1 to 6.0 units per gross acre/FAR: 0.40; and
- MDR – Density: 6.1 to 8.0 units per gross acre/FAR: 0.50.
-

As established in Chapter 18.21 and Chapter 18.24 of the City's Municipal Code, the purpose of the R-1 and R-2 zoning districts is to provide housing within the City. The permitted uses within the R-1 and R-2 districts primarily include single-family dwellings and two-family dwellings. The R-1 zoning district allows for a maximum lot coverage of 40 percent, a maximum height of 30 feet for principal building, and a maximum height of 15 feet for accessory structures. The R-2 zoning district allows for a maximum lot coverage of 45 percent and a maximum height of 35 feet.

The proposed project would not include any development at this time. Thus, this IS/MND includes a program-level analysis of the environmental impacts associated with annexation and Pre-Zoning of the 140-acre site, as well as a General Plan Amendment for the land use designation of the Pottery World site, as described above. This IS/MND does not include a project-level analysis of future development for which additional discretionary entitlements (i.e., Site Plan Design Review, Tentative Subdivision Map, Use Permit, etc.) could potentially be required; rather, such development would be subject to future CEQA analysis when project-level information is available. However, the program-level analysis included herein assumes development of the sites with the maximum allowed uses, as permitted by the proposed land use and Pre-Zoning designations described above.

Discretionary Actions

The proposed project would require the following approvals from the City of Wheatland:

- Adoption of the IS/MND;
- Approval of a Mitigation Monitoring and Reporting Program;
- Annexation from Yuba County into the City of Wheatland (both sites);
- General Plan Amendment from UR to Employment (Pottery World site); and
- Pre-Zone of the Pottery World site from AE-40 to M-1; and
- Pre-Zone of the Avoca Orchards site from AE-40 to R-1 and R-2.

Annexation is ultimately subject to approval by Yuba LAFCo. The City Council would be responsible for approving a resolution authorizing the City to submit an application for annexation to Yuba LAFCo. Coordination with Yuba LAFCo would be a separate process and is not included in this scope of work. However, this IS/MND is prepared to address Yuba LAFCo issues such that LAFCo can rely on this IS/MND as a Responsible Agency.

G. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

I. AESTHETICS.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,b. Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other areas designated for the express purpose of viewing and sightseeing. In general, a project’s impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista. The City’s General Plan does not designate official scenic view corridors. While Yuba County General Plan Policy NR9.1 requires new development near Yuba, Bear, and Feather rivers to be designed and located in a way that retains or enhances scenic views, the Yuba County General Plan does not officially designate specific scenic vistas.

According to the Caltrans State Scenic Highways Program, the City of Wheatland is not located near any officially designated State scenic highways.¹ The nearest State highway eligible for designation is a stretch of SR 49, located approximately 16.1 miles to the east of the project sites, and the nearest officially designated State scenic highways are located even further from the proposed project sites. In addition, scenic resources, such as rock outcroppings or historically significant buildings, do not exist within the project sites.

Based on the above, the proposed project would not have a substantial adverse effect on a scenic vista and would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. Therefore, the project would result in **no impact**.

c. Generally, surrounding existing uses include the Plumes Brophy Fire Department and agricultural land to the north; agricultural land, rural residences, and single-family residences to the east and west; and agricultural land to the south. SR 65 and UPRR tracks bound the Pottery World project site to the east. Given the relatively rural nature of the project area, the relevant threshold for the purposes of the analysis provided below is whether, in a non-urbanized area, the proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings. The proposed project does not include any site-specific development plans, designs, or proposals.

¹ Caltrans. *Scenic Highways*. Available at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed November 2022.

The proposed project would include a General Plan Amendment to change the Pottery World site's land use designation from UR to Employment, and Pre-Zoning of the site from AE-40 to M-1.

According to the City's General Plan, the UR designation is applied to land which may be considered for development in the future with urban uses. Urban development may not occur on lands designated UR before the General Plan is amended to specify a primary land use designation for the property. As discussed above, the proposed project would allow for the future development of a maximum of 653,400 sf of light industrial uses within the Pottery World site. As such, future development facilitated by the proposed project would have the potential to change the existing visual character or quality of public views of the project area. However, future development on the Pottery World site facilitated by the proposed project would be subject to the applicable development standards for the M-1 zoning district included in Chapter 18.39 of the City's Municipal Code, such as maximum lot coverage and setback standards. In addition, according to Section 18.39.050 of the City's Municipal Code, M-1 uses within two hundred feet of the boundary of any residential district shall not exceed the maximum height permitted in such adjoining R district. Because the Avoca Orchards site would be Pre-Zoned as R-1 and R-2, future development within the Pottery World site would be required to adhere to the height requirements of the R-1 and R-2 zoning districts. The R-1 zoning district allows for a maximum height of 30 feet for principal building, and a maximum height of 15 feet for accessory structures, and the R-2 zoning district allows for a maximum lot coverage of 45 percent and a maximum height of 35 feet. Compliance with such standards would reduce potential impacts to the visual character of the project area due to future development of the Pottery World site. Furthermore, any future development facilitated by the proposed project within the Pottery World site would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval to ensure development is compatible with the surrounding area and the City of Wheatland's Community Design Standards.

While the Avoca Orchards site would require Pre-Zoning of the site with a City zoning designation of R-1 and R-2, the Pre-Zoning designations would be consistent with the site's existing General Plan designations of LDR, LMDR, and MDR, which would remain. Development of the Avoca Orchards site under the existing General Plan land use designations was previously analyzed within the City's General Plan EIR. Considering that the proposed project would not result in the alteration of existing land use designations for the Avoca Orchards site, impacts related to the change in visual character or quality of the Avoca Orchards site resulting from potential future development have already been anticipated by the City and would not result in changes to the visual character of the site beyond what was analyzed in the General Plan EIR. In addition, any future development facilitated by the proposed project would be subject to the applicable development standards for the R-1 and R-2 zoning districts included in Chapter 18.21 and 18.24 of the City's Municipal Code, such as maximum lot coverage, setback standards, and height requirements. Furthermore, any future development facilitated by the proposed project within the Avoca Orchards site would be subject to Site Plan and Design Review prior to approval to ensure development is compatible with the surrounding area and the City of Wheatland's Community Design Standards. Compliance with such standards would ensure that potential effects from future development of the site to the visual character of the project area would not occur.

Therefore, the proposed project would not substantially degrade the existing visual character or quality of public views of the project sites, and a **less-than-significant** impact would occur.

- d. The proposed project does not include any site-specific development plans, designs, or proposals. Therefore, the proposed project would not involve new sources of light and glare within the project sites. However, future development within the project sites facilitated by the proposed project has the potential to result in new sources of light and glare associated with lighting fixtures within future buildings and parking areas, as well as headlights from vehicles driving within the project sites. Given the predominantly agricultural nature of the immediate project vicinity, such sources of light and glare could be more intensive than what currently occurs within the majority of the surrounding area.

However, future development would be required to comply with the City's Community Design Standards document, which includes goals, objectives, and standards to guide the design of new projects within the City, as well as all General Plan policies related to light and glare. For example, RES Standard 6.2.2 of the Community Design Standards requires residential outdoor lighting to provide the minimum intensity of lighting needed to provide security while minimizing glare, spillover, and energy consumption. Thus, compliance with applicable policies, regulations, and standards would ensure that all new sources of light and glare indirectly facilitated by the proposed project is minimized to the extent feasible. Furthermore, future development facilitated by the proposed project would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, which would ensure that potential impacts related to light and glare are evaluated prior to project approval, and if necessary, mitigated to the extent feasible.

Given the general consistency of the proposed project with surrounding development and compliance with City requirements related to lighting, implementation of the proposed project would result in a **less-than-significant** impact related to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FOREST RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
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?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,b,e. According to the Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP), the project sites contain lands designated as Prime Farmland, Unique Farmland, Grazing Land, and Other Land.² The majority of the Pottery World site is designated Unique Farmland, and the majority of the Avoca Orchards site is designated Prime Farmland. In addition, the Yuba County General Plan designates the project sites as Natural Resources, and both sites are zoned AE-40. However, the project sites are within the City of Wheatland SOI. As such, the sites are included in the City of Wheatland General Plan, which currently designates the Pottery World site as UR and the Avoca Orchards site as LDR, LMDR, and MDR.

In addition, Yuba LAFCo is required to make findings regarding five tests of “prime agricultural land”, as defined by Government Code Section 56064. LAFCo has specific qualifications to help define prime agricultural lands. Prime agricultural land means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the identified qualifications. Table 1 compares the characteristics of the project sites to the six qualifications outlined by LAFCo. As shown in the table below, the project sites meet the Yuba LAFCo definition of prime farmland.

A discussion of the project’s overall consistency with applicable Yuba LAFCo policies is presented in Section XI, Land Use and Planning, of this IS/MND.

² Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed December 2022.

Table 1	
Yuba LAFCo “Prime Agricultural Land” Comparison	
Criteria	Discussion
(a) Land that qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classification.	The soils located in the northern portion of the Pottery World site have a Class IV rating. However, the soils located in the southern portion of the Pottery World site and the northern portion of the Avoca Orchards site have a Class II rating, and the soils located in the remainder of the Avoca Orchards site have a Class I rating. Therefore, the majority of the on-site soils meet criterion (a).
(b) Land that qualifies for rating 80 through 100 Storie Index Rating.	The soils located in the northern portion of the Pottery World site have a Storie Index Rating of Grade 4 (21 to 40) and the soils located in the southern portion of the Pottery World site and the northern portion of the Avoca Orchards site have a Storie Index Rating of Grade 2 (61 to 80). However, the soils located in the remainder of the Avoca Orchards site have a Class I rating (81 to 100). Therefore, the majority of the soils on the Avoca Orchards site meet criterion (b).
(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July 1967, developed pursuant to Public Law 46, December 1935.	The project sites are currently primarily developed with orchard uses, and livestock is not supported for commercial purposes within the sites. As such, the land within the project sites does not meet criterion (c).
(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual bases from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.	The project sites are currently primarily developed with orchard uses. Therefore, fruit or nut-bearing trees, vines, bushes, or crops have been grown on-site within the past five years. The value of the crops currently produced within the project sites is not currently known by the City; thus, the potential for the project sites to meet criterion (d) exists.
(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.	As stated above, the project sites are currently primarily developed with orchard uses and the value of the crops currently produced within the project sites is not currently known by the City; thus, the potential for the project sites to meet criterion (e) exists.

The proposed project would include a General Plan Amendment to change the Pottery World site’s land use designation from UR to Employment and Pre-Zoning of the site from AE-40 to M-1. As a result, the proposed project would allow for the future development of a maximum of 653,400 sf of light industrial uses within the Pottery World site, which would have the potential to convert the existing Unique Farmland on the site to a non-agricultural

use. However, according to the City's General Plan, the UR designation is applied to land which may be considered for development in the future with urban uses. Urban development may not occur on lands designated UR before the General Plan is amended to specify a primary land use designation for the property. Therefore, the City has generally anticipated that the site would be developed with urban uses, and that future development of the site would result in the conversion of farmland to urban uses.

In addition, while the Avoca Orchards site would require Pre-Zoning of the site with City zoning designations of R-1 and R-2, the Pre-Zoning designations would be consistent with the site's existing General Plan designations of LDR, LMDR, and MDR, which would remain. Therefore, the proposed project would not modify the anticipated use of the Avoca Orchards site. As a result, development of the Avoca Orchards site with residential uses was previously anticipated by the City, and impacts related to the conversion of on-site Prime Farmland and Unique Farmland to a non-agricultural use has been anticipated by the City and previously analyzed within the City's General Plan EIR. The Wheatland General Plan EIR concluded that the implementation of the goals and policies in the General Plan would minimize impacts to agriculture; however, impacts to agricultural land would remain significant and unavoidable because buildout of the General Plan would permanently convert Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural uses. The Wheatland City Council adopted Findings of Fact and a Statement of Overriding Considerations for the significant and unavoidable impacts associated with the General Plan buildout.

Additionally, Yuba County does not participate in the Williamson Act program. Therefore, the County, as well as, the City of Wheatland do not contain any land under a Williamson Act contract, and the proposed project would not conflict with a Williamson Act contract.

Based on the above, a **less-than-significant** impact would occur related to converting Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use, involving 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, or conflicting with a Williamson Act contract or existing zoning for agricultural use.

- C,d The project sites are not considered forest land (as defined in PRC section 12220[g]), timberland (as defined by PRC section 4526) and is not zoned Timberland Production (as defined by Government Code section 51104[g]). Therefore, the proposed project would have **no impact** with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

III. AIR QUALITY.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a-c. Wheatland is located within the Feather River Air Quality Management District (FRAQMD). The FRAQMD is part of the Sacramento Valley Air Basin (SVAB) that includes Butte, Colusa, Glen, Tehama, Shasta, Yolo, Sacramento, Yuba, Sutter, and parts of Placer and Solano counties. California and the federal government have established air quality standards for various pollutants. The standards are used to determine attainment of State and federal air quality goals and plans. Generally, State regulations are more strict standards than federal regulations. Air quality standards are set at concentrations that provide a sufficient margin of safety to protect public health and welfare. FRAQMD has adopted thresholds of significance for various pollutants intended to maintain attainment of federal and State air quality standards.

While the proposed project would allow for the future development of light industrial and residential uses within the project sites, the proposed project does not include any site-specific development plans, designs, or proposals at this time. As such, implementation of the proposed project would not contribute to local emissions in the area. In addition, the proposed project would not modify the anticipated use of the Avoca Orchards site. Therefore, any increase in air quality emissions resulting from development of the Avoca Orchards site with residential uses has been previously anticipated by the City, and evaluated in the General Plan EIR. The Wheatland General Plan EIR concluded that the implementation of the goals and policies in the General Plan would minimize impacts to air quality; however, impacts would remain significant and unavoidable. The Wheatland City Council adopted Findings of Fact and a Statement of Overriding Considerations for the significant and unavoidable impacts associated with the General Plan buildout.

Any future development facilitated by the proposed project would be required to adhere to General Plan goals and policies related to air quality, as well as federal, State, and regional air quality plans. Specifically, General Plan Policy 8.E.3 requires new development to submit an air quality analysis to the City for review and approval. Furthermore, future on-site development, and the construction of any off-site extension of any necessary utilities, would be required to comply with all FRAQMD rules and regulations, including Rule 3.0 related to visible emissions and Rule 3.2 related to particulate matter concentration, as well as the following Standard Construction Mitigation Measures provided in the FRAQMD’s Indirect Source Review Guidelines:

1. Implement the Fugitive Dust Control Plan.

2. Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
3. The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of on-site operation.
4. Limiting idling time to five minutes.
5. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
6. Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
7. Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (CARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the CARB or FRAQMD to determine registration and permitting requirements prior to equipment operation at the site.

It should be noted that because the project sites are currently planted with orchard trees, construction of any future development facilitated by the proposed project is anticipated to result in the removal of a substantial amount of vegetative material related to such. However, according to the FRAQMD rules and regulations for new development, open burning of vegetative waste is prohibited. Rather, vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood.

Based on the above, compliance with the aforementioned requirements, including General Plan Policy 8.E.3, would ensure that future development facilitated by the proposed project would not conflict with or obstruct implementation of the applicable air quality plan, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, or expose sensitive receptors to substantial pollutant concentrations. However, without verification to confirm that all of the aforementioned requirements are implemented, a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

- III-1 Prior to approval of any improvement plans for future development within the project sites, a detailed air quality analysis shall be conducted to determine the emissions associated with all activities related to the development (e.g., demolition and removal of all trees and structures, construction, operations, etc.). The analysis shall be completed in accordance with the FRAQMD's Indirect Source Review Guidelines and shall present the modeled emissions in comparison to the FRAQMD thresholds of significance in place at the time of preparation. If the modeled emissions are below the applicable FRAQMD thresholds of significance, then further mitigation is not required. If the modeled emissions exceed the*

FRAQMD thresholds, then the air quality analysis shall include recommendations sufficient to reduce the emissions to below the applicable FRAQMD thresholds of significance and provide evidence of the reduction through calculations. Acceptable options for reducing emissions may include, but are not limited to, the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The air quality analysis shall be submitted to the City of Wheatland Community Development Department for review and approval.

- D. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. Such uses would not be permitted uses within the project sites under the proposed General Plan and zoning designations. In addition, the proposed project does not include any site-specific development plans, designs, or proposals at this time. Any future development on the project sites would be subject to the FRAQMD's Standard Construction Mitigation Measures, as well as General Plan Policy 8.E.3, as presented above, which would ensure construction-related dust does not adversely affect a substantial number of people. Thus, a **less-than-significant** impact related to resulting in other emissions (such as those leading to odors) adversely affecting a substantial number of people would occur.

IV. BIOLOGICAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a. Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal and State Endangered Species Acts. Both acts afford protection to listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern, sensitive species included in USFWS Recovery Plans, and CDFW special-status invertebrates are all considered special-status species. Although CDFW Species of Special Concern generally do not have special legal status, they are given special consideration under CEQA. In addition to regulations for special-status species, most birds in the U.S., including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal. In addition, plant species on California Native Plant Society (CNPS) Lists 1 and 2 are considered special-status plant species and are protected under CEQA.

Currently, both the Pottery World site and the Avoca Orchards site are primarily planted with orchards. An existing single-family residence and three associated outbuildings are located in the northeast portion of the Pottery World site, and a maintenance yard and associated building are located in the western portion of the Avoca Orchards site. In addition, a portion of Dry Creek is located along the northern boundary of the Avoca Orchards site, just north of Levee Road, and Grasshopper Slough runs through the central portion of the Avoca Orchards site.

The proposed project does not include any site-specific development plans, designs, or proposals at this time. Any future development within the project sites would be required to be consistent with all applicable policies, regulations, and standards related to the preservation of biological resources, including those set forth in the City's General Plan and Municipal Code, as well as those required by the federal government and the State.

In order to determine the likelihood for special-status species to occur on the project sites, a search of the California Natural Diversity Database (CNDDDB) was conducted for the project sites' quadrangle and the eight quadrangles surrounding the project sites. The intent of the database review was to identify documented occurrences of special-status species in the vicinity of the project area, to determine their locations relative to the project sites, and to evaluate whether the sites meet the habitat requirements of such species. Based on the results of the CNDDDB search, several special-status plant and wildlife species are known to occur within the project region. However, the majority of species are not expected to occur on-site due to the lack of suitable habitat. The potential for special-status species to occur on the project sites is discussed in further detail below.

Special-Status Plants

Special-status plants generally occur in relatively undisturbed areas within vegetation communities such as vernal pools, marshes and swamps, chenopod scrub, seasonal wetlands, riparian scrub, chaparral, alkali playa, dunes, and areas with unusual soil characteristics, such as the serpentine soils. While the CNDDDB search identified several special-status plant species that are known to occur within the project region, the nearest documented occurrence of a special-status plant species (dwarf downinga) was identified approximately 3.1 miles from the sites. In addition, given that the project sites are currently used for orchard activities, periodic maintenance and cultivation activities, including discing and mowing, disturb the sites on a consistent basis. Thus, suitable habitat for special-status plant species is not anticipated to occur within the sites, and future development of the sites facilitated by the proposed project would be unlikely to result in impacts to special-status plant species.

Nonetheless, given that the proposed project does not include site-specific development plans, designs, or proposals at this time, potential disturbance areas on-site are currently unknown. Therefore, prior to any ground disturbance associated with future development on-site, protocol-level surveys would be required to confirm the presence or absence of special-status plant species within the project sites. Without the completion of such surveys, future development facilitated by the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species.

Special-Status Wildlife

As discussed above, the project sites are currently used for orchard activities, and periodic maintenance and cultivation activities, including discing and mowing, disturb the sites on a consistent basis, which discourages wildlife habitation. Thus, suitable habitat for a majority of special-status wildlife species known to occur in the vicinity is not anticipated to occur within the sites. Nonetheless, four special-status species, the western pond turtle, valley elderberry longhorn beetle (VELB), tricolored blackbird, and Swainson's hawk, have the potential to occur on the project sites and warrant further discussion.

Western Pond Turtle

The western pond turtle is a California Species of Special Concern. Favored habitats include streams, large rivers and canals with slow-moving water, aquatic vegetation, and open basking sites. Although the turtles must live near water, the species can tolerate drought by burrowing into the muddy beds of dried drainages. The species feeds mainly on invertebrates such as insects and worms, but also consumes small fish, frogs, mammals, and some plants. Western pond turtle predators include raccoons, coyotes, raptors, weasels, large fish, and bullfrogs. The species breeds from mid- to late spring in open grasslands or sandy banks adjacent to the water.

Western pond turtle has been recorded approximately 1.35 miles from the project sites, within Dry Creek. Given that a portion of Dry Creek is located along the northern boundary of the Avoca Orchards site, the potential exists for western pond turtle to be present within the site. While the proposed project does not include any site-specific development plans, designs, or proposals at this time, future development within the project sites could result in an adverse effect to western pond turtle habitat. Therefore, protocol-level surveys would be required to confirm the presence or absence of western pond turtle within the project sites prior to any ground disturbance associated with future development. Without the completion of the aforementioned surveys, future development facilitated by the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on western pond turtle.

Valley Elderberry Longhorn Beetle

The federally threatened VELB may occur within the project sites if the species' host plant, the elderberry, is present and provides suitable habitat. VELB is completely dependent on the host plant, which occurs in riparian and other woodland communities in California's Central Valley and the associated foothills. Female beetles lay their eggs in crevices on the stems or on the leaves of living elderberry plants. When the eggs hatch, larvae bore into the stems. The larval stages last for one to two years. The fifth instar larvae create emergence holes in the stems and then plug the holes and remain in the stems through pupation. Adults emerge through the emergence holes from late March through June. The short-lived adult beetles forage on leaves and flowers of elderberry shrubs.

The history of site disturbance associated with agricultural operations decreases the likelihood of elderberry shrubs to be present at the sites. However, while unlikely, elderberry shrubs could occur within the on-site riparian area associated with Dry Creek and Grasshopper Slough. Because the proposed project does not include any site-specific development plans, designs, or proposals at this time, potential disturbance areas on-site are currently unknown, and potential impacts to VELB could occur if future development would disturb any occupied elderberry shrubs. Therefore, protocol-level surveys would be required to confirm the presence or absence of elderberry shrubs within the project sites prior to any ground disturbance associated with future development. Without completion of the aforementioned surveys, future development facilitated by the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on VELB.

Swainson's Hawk

The Swainson's hawk is a State-listed threatened species. The Swainson's hawk is generally a summer visitor to California; however, a small population of Swainson's hawks remain residents in California year-round. The Swainson's hawk inhabits open to semi-

open areas at low to middle elevations in valleys, dry meadows, foothills, and level uplands. The species nests almost exclusively in trees and will nest in almost any tree species that is at least 10 feet tall. Swainson's hawks also occasionally nest in shrubs, on telephone poles, and on the ground. Foraging habitats include alfalfa fields, fallow fields, beet, tomato, and other low-growing row or field crops, dry-land and irrigated pasture, and rice land when not flooded. In addition, agricultural practices allow for access to prey, and very likely increases foraging success of Swainson's hawks when farm equipment flushes prey during harvesting.

According to the CNDDDB, documented occurrences of Swainson's hawk have been identified on-site. Trees growing within and adjacent to the project sites provide suitable nesting habitat. In addition, the project sites constitute foraging habitat that could be used by the Swainson's hawk. Therefore, protocol-level surveys would be required to confirm the presence or absence of Swainson's hawk within the project sites prior to any ground disturbance associated with future development. Without the completion of the aforementioned surveys, future development facilitated by the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk.

Tricolored Blackbird

The tricolored blackbird is a State-listed threatened species. The Tricolored blackbird is typically found near freshwater, particularly near marsh habitat. Nesting colonies are typically found in stands of cattail, and bulrush, although the species are also known to utilize blackberry patches and thistle clumps adjacent to water. Flooded lands, margins of ponds, and grassy fields in summer and winter provide typical foraging habitat for the species.

The closest known CNDDDB record for the species is located 2.8 miles from the project sites. However, potential nesting habitat for tricolored blackbird associated with Dry Creek and Grasshopper Slough is within and adjacent to the project sites. Therefore, protocol-level surveys would be required to confirm the presence or absence of tricolored blackbird within the project sites prior to any ground disturbance associated with future development. Without the completion of the aforementioned surveys, future development facilitated by the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on tricolored blackbird.

Nesting Raptors and Migratory Birds

The project sites contain existing trees that could be used by raptors and migratory birds protected by the MBTA for nesting. Construction activities that adversely affect the nesting success of raptors and migratory birds (i.e., lead to the abandonment of active nests) or result in mortality of individual birds constitute a violation of State and federal laws. Thus, in the event that such species occur on-site during the breeding season, construction activities associated with future development of the project sites could result in an adverse effect to species protected under the MBTA.

Conclusion

Based on the above, future development facilitated by the proposed project could have an adverse effect, either directly or through habitat modifications, on special-status plant or wildlife species identified in local or regional plans, policies, or regulations, or by the CDFW or the USFWS. Thus, a **potentially significant** impact could result.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

IV-1. *Prior to the commencement of ground-disturbing activities, including any tree removal, associated with any future development within the project sites, a Biological Resources Assessment (BRA) shall be prepared to determine the potential biological sensitivities associated with the development. The BRA shall include (but not be limited to) the following:*

- *A review of existing biological information in the region and any documentation specific to the area (i.e., aerial photography and any documentation of projects in the vicinity of the site);*
- *A query of the CDFW CNDDDB, USFWS Species List, and CNPS Inventory of Rare and Endangered Plants for potentially occurring special-status species in the vicinity of the project site;*
- *Protocol-level reconnaissance pedestrian field survey(s) to assess the on-site biological resources/constraints, including a delineation of aquatic resources;*
- *A summary of the findings including data on special-status species, jurisdictional waters of the U.S., sensitive natural communities, and wildlife habitat movement corridors; and*
- *If necessary, mitigation measures that are consistent with applicable federal, State, and local regulations that reduce identified potential impacts to protected biological resources to the extent feasible.*

All recommendations and mitigation measures included in the BRA shall be implemented as part of the future development proposals associated with the project sites. The BRA shall be submitted to the City of Wheatland Community Development Department for review and approval.

B,c. As discussed above, a portion of Dry Creek is located along the northern boundary of the Avoca Orchards site, just north of Levee Road, and Grasshopper Slough runs through the central portion of the site. Because the proposed project does not include any site-specific development plans, designs, or proposals at this time, potential disturbance areas on-site are currently unknown. As such, the potential exists for future buildout of the project sites to disturb Dry Creek and Grasshopper Slough, and the associated riparian habitat located on-site. In addition, absent the completion of a protocol-level Aquatic Resources Delineation to determine the presence or absence of on-site wetlands, the potential exists for future development to disturb State- and/or federally protected wetlands within the project site. Therefore, future development facilitated by the proposed project could have a substantial adverse effect on riparian habitat or another sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS, or on State- and federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.). Thus, a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

IV-2. *Implement Mitigation Measure IV-1.*

- d. Movement corridors or landscape linkages are usually linear habitats that connect two or more habitat patches, providing assumed benefits to wildlife species by reducing inbreeding depression and increasing the potential for recolonization of habitat patches.

Existing uses within the project vicinity include the Plumes Brophy Fire Department and agricultural land to the north; agricultural land, rural residences, and single-family residences to the east and west; and agricultural land to the south. SR 65 and UPRR tracks bound the Pottery World project site to the east, and would essentially block any movement from those directions. Further, the existing orchards and other agricultural uses in the project vicinity would result in regular disturbance during maintenance and cultivation activities. Thus, the project sites are not anticipated to support a substantial wildlife movement corridor. However, portions of Dry Creek and Grasshopper Slough are located within the Avoca Orchards site. Thus, without an on-site preconstruction survey, the absence of wildlife movement corridors and nursery sites on-site cannot be confirmed. While development is not currently proposed within the project sites, any future development within the area could result in impacts to wildlife movement corridors and nursery sites.

Therefore, a **potentially significant** impact could occur related to the project interfering substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impeding the use of wildlife nursery sites.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

IV-3. *Implement Mitigation Measure IV-1.*

- E,f. The City's Municipal Code does not contain specific policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Yuba County is currently in the process of drafting a Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) with Sutter County. However, the HCP/NCCP has not yet been adopted and the City of Wheatland is not a participant. Therefore, the proposed project would not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan, and **no impact** would occur.

V. CULTURAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Section 15064.5 of the CEQA Guidelines provides instructions for a lead agency to consider the effects of projects on historical resources. A historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (PRC Section 21084.1), a resource included in a local register of historical resources (PRC Section 15064.5[a][2]), or any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant (PRC Section 15064.5[a][3]).

Resources eligible for listing include buildings, sites, structures, objects, or historic districts that retain historical integrity and are historically significant at the local, state or national level under one or more of the following four criteria:

- 1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- 2) It is associated with the lives of persons important to local, California, or national history;
- 3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- 4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to having significance, resources must have integrity for the period of significance. The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a historical resource’s physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource’s period of significance.

Examples of typical historical resources include, but are not limited to, buildings, farmsteads, rail lines, bridges, and trash scatters containing objects such as colored glass and ceramics. Pursuant to the National Register of Historic Places (NRHP) eligibility criteria, a resource must be at least 50 years old in order to be considered historic, except in exceptional circumstances.

As stated in the Wheatland General Plan EIR, a number of historical resources have either been formally designated as properties listed on the NRHP, State Historic Landmark (SHL), California Points of Historical Interest, and/or CRHR. However, a comprehensive historic resources inventory has not been prepared for either the City of Wheatland or the

surrounding planning area and a high probability of additional unrecorded historic properties exists.

As discussed previously, an existing single-family residence and three associated outbuildings are located in the northeast portion of the Pottery World site, and a maintenance yard and associated building are located in the western portion of the Avoca Orchards site. According to public building records provided by Yuba County, the single-family residence located on the Pottery World site was constructed in 1945, and the three associated outbuildings were constructed in 1955, 1986, and 2011. The building located within the Avoca Orchards site was constructed in 1970. Therefore, the three buildings located within the project sites constructed in 1945, 1955, and 1970 could be eligible for listing due to their age.

Given that the proposed project does not include any site-specific development plans, designs, or proposals at this time, demolition of the existing on-site structures is not currently proposed. However, any future on-site development facilitated by the proposed project that would require demolition of the existing on-site structures of eligibility due to age would be required to evaluate whether any of the buildings located on-site meet the CRHR or NRHP criteria, and determine if any potential impacts related to historic resources would occur. In addition, future development on-site would be required to adhere to the City's formal review process to evaluate proposed demolition or alteration of historic buildings.

Given that the on-site buildings appear to be consistent with the type of development that is common in the project area, the buildings are not anticipated to meet the CRHR or NRHP criteria for historic resources (i.e., embodies distinctive characteristics of a specific period or region, yield important information related to history of the local area, associated with significant historical events, etc.). Nevertheless, out of an abundance of caution, it is recommended that a qualified architectural historian evaluate the on-site buildings. If the on-site buildings are determined to meet the criteria to be considered historical resources, then future development facilitated by the proposed project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5, and a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

V-1. *Prior to demolition of any on-site buildings associated with any future development within the project sites, a qualified architectural historian, as approved by the City of Wheatland Community Development Department, shall evaluate the project sites and the on-site structures for listing qualification, pursuant to CRHR and NRHP criteria. If the on-site buildings do not qualify for protection, further mitigation is not required.*

If the on-site buildings meet the CRHR or NRHP criteria, then the structures shall be properly documented prior to their demolition. The documentation shall, at a minimum, consist of a report documenting the historical context with descriptive narrative of the resource, and an update of the resource's Department of Parks and Recreation form 523 record. The photo-

documentation shall capture the form, materials, design, and setting of the buildings to preserve those characteristics that justify their CRHR eligibility. If building relocation is pursued, the photo-documentation shall include views of the resources in their new locations, with an emphasis on the context and architectural setting of their new surroundings. The photo-documentation shall be prepared in concert with a historical context statement and narrative description of the buildings to place the properties in their architectural and historical context. The documentation package shall be distributed to the NCIC, the City of Wheatland Historical Society, the City of Wheatland, the Yuba-Sutter Chamber of Commerce, and, for the purposes of public outreach, the Yuba County Library.

Proof of compliance with the foregoing measure shall be submitted to the City of Wheatland Community Development Department for review and approval.

- b,c. According to the City's General Plan EIR, development facilitated by buildout of the General Plan, such as road improvements, utility corridors, and excavation associated with residential or business development, could result in the destruction or damage of unknown archeological resources. Only a portion of the General Plan study area has been culturally surveyed. As such, unknown significant archeological resources could be disturbed, particularly in areas along springs, creeks, and rivers as ground disturbance occurs in accordance with development of proposed land uses and circulation.

Future development proposed within the project sites would be required to adhere to federal and State regulations associated with protection of cultural resources and implement General Plan goals and policies associated with cultural resources. However, future ground-disturbing activities within the project sites may have the potential to uncover buried cultural deposits. As a result, the proposed project could potentially disturb archaeological resources, should they be located within the project footprint. With respect to potential impacts involving human remains, given the project vicinity's history of Nisenan occupation, ground-disturbing construction activities, including the off-site extension of any necessary utilities, could inadvertently damage and disturb buried human remains. In particular, the Yuba County General Plan EIR notes that in areas where agricultural uses have occurred, such locations could lack surface evidence of buried human remains, which in turn, could increase the likelihood that such remains, if present underground, are not avoided prior to and/or during ground-disturbing construction activities.

Based on the above, future development facilitated by the proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and/or disturb human remains, including those interred outside of formal cemeteries, if any such resources are encountered during construction. Consequently, impacts could be considered **potentially significant**.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

V-2

The following requirements shall be included through a notation on all project improvement plans prior to the issuance of grading permits and shall be implemented during project construction, to the satisfaction of the City Engineer:

In the event subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required.*
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City of Wheatland and applicable landowner. The Office of Historic Preservation (OHP) shall be consulted on a finding of eligibility and appropriate treatment measures shall be implemented, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Appropriate treatment measures that preserve or restore the character and integrity of a find may be, but are not limited to, processing materials for reburial, minimizing handling of historical objects, leaving objects in place within the landscape, construction monitoring of further construction activities, and/or returning objects to a location within the project area where they will not be subject to future impacts. Work shall not resume within the no-work radius until the determination is made through consultation, as appropriate, that the site either: 1) is not a historical resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction.*
- If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the City of Wheatland and the Yuba County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner shall notify the*

NAHC, which then shall designate a Native American Most Likely Descendant (MLD) for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate (Section 5097.94 of the PRC). If an agreement is not reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate information center, using an open space or conservation zoning designation or easement, or recording a reinternment document with Yuba County (AB 2641). Work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.

VI. ENERGY.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,b. The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include site-specific development plans, designs, or proposals at this time. While the proposed project would not directly result in increased energy use relative to existing conditions, approval of the proposed project could result in reasonably foreseeable future development within the sites, and additional energy use may occur. However, the lack of site-specific development applications, including the design and location of specific improvements, makes the quantification of the project’s energy usage highly speculative at this time.

The main forms of available energy supply are electricity, natural gas, and oil. The following provides a discussion regarding the project’s potential effects related to energy demand during construction and operation.

Construction Energy Use

Construction of any future development facilitated by the proposed project would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. In addition, diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met via a hookup to the existing electricity grid. However, future construction activities, including the off-site extension of any necessary utilities would not involve the use of natural gas appliances or equipment.

Even during the most intense period of construction, due to the different types of construction activities (e.g., site preparation, grading, paving, limited amounts of building construction), only portions of the project sites would be disturbed at a time, with operation of construction equipment occurring at different locations on the project site, rather than a single location. In addition, all construction equipment and operation thereof would be regulated pursuant to the CARB In-Use Off-Road Diesel Vehicle Regulation, which is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design changes, which could help to reduce demand on oil and emissions associated with construction.

Based on the above, the temporary increase in energy use during construction of future development facilitated by the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. Future development would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.

Operational Energy Use

Energy use associated with operation of any future development facilitated by the proposed project would be typical of light industrial and residential uses, requiring electricity for interior and exterior building lighting, operation of stoves, kitchen and cleaning appliances, security systems, and more. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, future on-site development would result in transportation energy use associated with vehicle trips generated by employee commutes, visitors, residents, and the movement of goods.

Any future development would be subject to all relevant provisions of the most recent update of the California Building Standards Code (CBSC) (CCR, Title 24), including the Building Energy Efficiency Standards. Adherence to the most recent California Green Building Standards Code (CALGreen Code) and Building Energy Efficiency Standards would ensure that future development within the project sites would consume energy efficiently. As such, required compliance with the CBSC would ensure that the building energy use associated with future permitted uses on-site would not be wasteful, inefficient, or unnecessary. In addition, electricity supplied to future on-site buildings would comply with the State's Renewable Portfolio Standard (RPS), which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 60 percent of total procurement by 2030.³ Thus, a portion of the energy consumed during operations would originate from renewable sources. With regard to transportation energy use, future development would be required to comply with all applicable regulations associated with vehicle efficiency and fuel economy.

Based on the above, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, a **less-than-significant** impact would occur.

³ California Energy Commission. *Renewables Portfolio Standard – RPS*. Available at: <https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard>. Accessed December 2022.

VII. GEOLOGY AND SOILS.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	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 most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a.i-iv, According to the City’s General Plan EIR, active faults have not been identified in the region surrounding the City, and historical records verify the lack of earth movement in the area. From 1900 to 1976, five events with a Richter magnitude of five or greater occurred in the region, but structural damage was not observed in any event. In addition, surface faulting and rupture exposure in the area appears remote by virtue of the absence of identified faults and depth of alluvial deposits above bedrock-like material. Ground shaking, both in terms of recurrence and severity, appears to be similarly low, due to the distance from the relatively few moderate or greater earthquakes experienced within the past 75 years. The majority of significant, historic faulting (and ground shaking) within the City has been generated along distant faults, within a 100-mile radius of the City limits. The City, located within the northeastern portion of the Sacramento Valley within the Great Valley geomorphic province, is not located within an Alquist-Priolo Earthquake Fault Zone. The closest Alquist-Priolo fault zone is the Bangor Quadrangle, located approximately 27 miles north of the City limits. The City is located in an area rated as a low-intensity earthquake zone (Seismic Zone II), defined by the U.S. Geological Survey (USGS) as an area likely to experience an earthquake measuring a maximum of 5.0 to 5.9 in magnitude on the Richter scale, and a maximum intensity of VII or VIII on the Modified Mercalli scale. However, the City requires that all construction comply with applicable provisions of the California Building Code (CBC) (Title 24, Part 2 CBSC), which ensures that seismically induced ground shaking would not have an adverse effect on development. Through compliance with all applicable design standards and regulations, the City’s General Plan

EIR concluded development associated with buildout of the General Plan would not expose people or structures to potential seismic events and ground shaking and a less-than-significant impact would occur. Similarly, after citing the relatively low seismic activity in the region and the required compliance with the CBC, with which projects would be subject, the County's General Plan EIR concluded buildout of the County General Plan would not expose people or structures to seismic ground shaking and a less-than-significant impact would occur.

Liquefaction, settlement, ground lurching, ground displacement along the fault line, and landslides are often the secondary effects of earthquakes. Areas found throughout the City of Wheatland may be more susceptible to liquefaction during seismic events if perched groundwater conditions are present. The degree of liquefaction would in part depend on groundwater conditions at specific sites. In addition, the Wheatland General Plan Background Report states that a portion of the County, which includes the Wheatland area, is potentially susceptible to liquefaction, because the area is underlain by unconsolidated sands and finer grained materials. Water-saturated, clay-free sediments in the most recent Holocene unit are generally expected to have a high susceptibility to liquefaction.

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. The amount of movement depends on the soil strength, duration and intensity of seismic shaking, topography, and free face geometry. The project sites are relatively level, and the sites are not located on or near any slopes.

The proposed project does not include any site-specific development, designs, or proposals at this time, and, thus, would not impact the geology or soils on the project sites. While the proposed project would allow for future development within the project sites, all future development would be required to comply with the goals and policies set forth in the City's General Plan relating to seismic and geologic hazards, including liquefaction, as well as all other applicable federal and State policies and standards, including the CBSC, as discussed above. The CBSC provides minimum standards to ensure that future structures would be designed using sound engineering practices and appropriate engineering standards for the seismic area in which the project sites are located. Projects designed in accordance with the CBSC should be able to: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage, but with some non-structural damage; and 3) resist major earthquakes without collapse, but with some structural, as well as non-structural, damage. Although conformance with the CBSC does not guarantee that substantial structural damage would not occur in the event of a maximum magnitude earthquake, conformance with the CBSC can reasonably be assumed to ensure that the future on-site structures would be survivable, allowing occupants to safely evacuate in the event of a major earthquake.

Based on the above, the proposed project would result in a **less-than-significant** impact related to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, and landslides, or being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

- b. Issues related to erosion and loss of topsoil are discussed in Section X, Hydrology and Water Quality, of this IS/MND. As noted therein, the proposed project would not result in substantial soil erosion or the loss of topsoil. Thus, a **less-than-significant** impact would occur.
- d. Expansive soils can undergo significant volume change with changes in moisture content. Specifically, such soils shrink and harden when dried and expand and soften when wetted. Expansive soils can shrink or swell and cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundation. Building damage due to volume changes associated with expansive soil can be reduced by a variety of solutions. If structures are underlain by expansive soils, foundation systems must be capable of tolerating or resisting any potentially damaging soil movements, and building foundation areas must be properly drained. Exposed soils must be kept moist prior to placement of concrete for foundation construction.

As stated in the City's General Plan EIR, impacts related to expansive soils in parts of the planning area may be eliminated when specific development projects are proposed by conducting engineering tests to determine the proper design criteria. Roadways and sidewalks can be designed in areas of clayey soils to accept the estimated degree of soil contraction, expansion, and settlement potential determined from on-site soils testing, according to standards provided by the CBSC. Overall, the City's General Plan EIR concluded that with implementation of applicable General Plan Policies, including Policy 9.B.1, 9.B.2, and 9.B.3, which require the preparation of a soils engineering and geologic-seismic analysis prior to permitting development in areas prone to geological or seismic hazards, submission of a preliminary soils report, prepared by a registered civil (geotechnical) engineer and based upon adequate test borings, for every major subdivision, and that new structures and alterations to existing structures comply with the current edition of the CBC, impacts would be less than significant.

Based on the above, compliance with all federal, State, and local regulations related to expansive soils, including the aforementioned General Plan policies, would ensure that a **less-than-significant** impact would occur related to proposed structures being located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, thereby creating substantial direct or indirect risks to life or property.

- e. Future development on-site facilitated by the proposed project would not include the use of septic tanks or alternative wastewater disposal systems. Rather, once annexed, any development within the sites would be required to connect to the City's existing sewer system. Therefore, **no impact** would result.
- f. Paleontological resources (fossils) are the remains or traces of prehistoric animals and plants. The potential paleontological importance of a site can be assessed by identifying the paleontological importance of exposed rock units within an area. According to the City's General Plan EIR, because only a portion of the City's General Plan study area has been surveyed, unknown significant paleontological resources could be disturbed as future ground disturbance occurs in accordance with future development of the General Plan's proposed land uses.⁴ In addition, according to the Yuba County General Plan EIR, while results of an online paleontological records search at the University of California

⁴ City of Wheatland. *City of Wheatland General Plan Draft Environmental Impact Report* [pg. 4.5-25]. December 2005.

Museum of Paleontology indicated that recorded vertebrate fossil sites have not been identified within the County, Pleistocene-age vertebrate fossils, from the epoch known as the “great ice age”, have been recorded from several locations in Sutter County, located just west of Yuba County.⁵ As such, the County’s General Plan EIR found that vertebrate fossil sites could occur in areas of the County where surveys have not taken place. Considering that the project sites are located in an area where surveys have not taken place, future development facilitated by the proposed project could potentially result in impacts to unidentified paleontological resources during ground-disturbing activities.

Based on the above information, the proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature if such features are encountered during construction activities, including the off-site extension of any necessary utilities. Thus, a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

- VII-1 *Should paleontological resources be discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find. The City of Wheatland Community Development Department shall be notified and a qualified paleontologist shall be retained to inspect the discovery. If deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology [UCMP]), where the discovery would be properly curated and preserved for the benefit of current and future generations. Construction may continue in areas outside of the buffer zone. The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement plans approved by the City of Wheatland Community Development Department for the proposed project, where ground-disturbing work would be required.*

⁵ Yuba County. *Final Yuba County 2030 General Plan Environmental Impact Report* [pg. 4.6-33]. May 2011.

VIII. GREENHOUSE GAS EMISSIONS.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,b. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project’s GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Future development facilitated by the proposed project would cumulatively contribute to increases of GHG emissions. GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for any future development on the project sites would likely be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO₂ equivalents (MTCO₂e/yr).

On December 11, 2018, the City of Wheatland City Council adopted a Climate Action Plan (CAP). The City’s CAP provides a planning framework that ensures that emissions within the City are controlled in compliance with the legislative goals of Assembly Bill (AB) 32 and Senate Bill (SB) 32. The CAP includes Emissions Reduction Strategies that target emissions from specific sectors, such as transportation, energy consumption, water use, and solid waste disposal.

Any future development would be required to complete the Sustainability Checklist mandated by the City’s CAP. The CAP intended that Sustainability Checklists be integrated into the City’s development review process. Consequently, as any development proposals for the Pottery World and Avoca Orchards sites are brought forward, the proposed developments would be required to demonstrate consistency with the City’s CAP. By maintaining consistency with the City’s CAP, future development would comply with all existing regulations related to the reduction of GHG emissions.

Consequently, future development within the project sites would be required to comply with all relevant standards within the City’s CAP and Sustainability Checklist, and the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and would not conflict with applicable plans,

policies, and regulations adopted for the purpose of reducing the emissions of GHGs. Therefore, a ***less-than-significant*** impact would occur.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. The proposed project does not include any site-specific development, designs, or proposals at this time, and, thus, would not directly involve the routine transport, use, or disposal of hazardous materials. However, the proposed project could allow for future light industrial uses on the Pottery World site and residential development on the Avoca Orchards site.

With regard to the potential future light industrial uses within the Pottery World site, because the proposed project does not include site-specific development plans, designs, or proposals at this time, the eventual tenant at the site is not currently known. However, operations associated with future light industrial uses are anticipated to be typical of other light industrial uses in the City, and would be governed by the uses permitted for the site as established by the City’s Municipal Code and General Plan. In addition, the use, handling, and storage of hazardous materials is regulated by both the Federal Occupational Safety and Health Administration (Fed/OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA). Cal/OSHA is responsible for developing and enforcing workplace safety regulations. At the local level, the Yuba County Environmental Health Department regulates hazardous materials within the County, including chemical storage containers, businesses that use hazardous materials, and hazardous waste management. Therefore, in the event that future light industrial operations on the Pottery World site would involve the routine use, transport, or disposal of hazardous materials, such materials would be managed in accordance with the applicable regulations such as the regulations set forth by 22 CCR Section 66263, Standards Applicable to Transporters of Hazardous Waste, which requires transporters of

hazardous materials to ensure that releases of hazardous wastes into the environment would not occur, including the discharge of hazardous wastes into soils, drainage systems, and surface and groundwater systems. In addition, 22 CCR Section 66263.31 requires transporters of hazardous materials to clean up any hazardous waste discharge that occurs during transportation to the extent that hazardous waste discharge no longer presents a hazard to human health or the environment. Compliance with such measures would ensure that, if hazardous materials are used on-site in the future, such materials would not present a significant hazard.

In addition, residential uses are not typically associated with the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. Maintenance and operation of the future residential uses may use common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing use of such products and the amount anticipated to be used in conjunction with any future residential development on the Avoca Orchards site, routine use of such products would not represent a substantial risk to public health or the environment.

Based on the above, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Thus, a **less-than-significant** impact would occur.

- b. Construction activities, including the off-site extension of any necessary utilities, associated with future development of the project sites would involve the use of heavy equipment, which would contain fuels and oils, and various other products such as concrete, paints, and adhesives. Small quantities of potentially toxic substances (e.g., petroleum and other chemicals used to operate and maintain construction equipment) would be used at the project sites and transported to and from the sites during construction. However, the contractors would be required to comply with all California Health and Safety Codes and local City ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. In addition, should imported fill be required during construction of future development facilitated by the proposed project, the location selling the utilized fill would be required to comply with all applicable State regulations, thus ensuring that the imported soil is free of contamination. Thus, future construction activities, including the off-site extension of any necessary utilities, would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

However, future development facilitated by the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment should the sites contain potential Recognized Environmental Conditions (RECs) that are not properly addressed prior to project implementation. A REC indicates the presence or likely presence of any hazardous substances in, on, or at a property due to any release into the environment, under conditions indicative of a release to the environment, or under conditions that pose a material threat of a future release to the environment.

As discussed throughout this IS/MND, the project site is currently planted with orchard trees. As a result, the potential exists that organochlorine and arsenic pesticide residues to be present within surficial soils. If such materials are present in on-site soils, a potential health hazard could occur during project construction.

Additionally, according to public building records provided by Yuba County, the single-family residence located on the Pottery World site was constructed in 1945, and the three associated outbuildings were constructed in 1955, 1986, and 2011. Because the buildings constructed in 1945 and 1955 were built prior to the federal ban on materials such as lead-based paint (LBP) and/or asbestos containing materials, the potential exists for such materials to exist on and/or within the structures. LBP is defined as any paint, varnish, stain, or other applied coating that has one milligram per cubic centimeter or greater (5,000 micrograms per gram or 5,000 parts per million) of lead by federal guidelines. Lead is a highly toxic material that may cause a range of serious illnesses, and in some cases death. In buildings constructed after 1978, LBP is unlikely to be present. Structures built prior to 1978 and especially prior to the 1960s should be expected to contain LBP. Asbestos is the name for a group of naturally occurring silicate minerals that are considered to be “fibrous” and, through processing, can be separated into smaller and smaller fibers. When inhaled, the material caused serious illness. For buildings constructed prior to 1980, the Code of Federal Regulations (29 CFR 1926.1101) states that all thermal system insulation (boiler insulation, pipe lagging, and related materials) and surface materials must be designated as “presumed asbestos-containing material” unless proven otherwise through sampling in accordance with the standards of the Asbestos Hazard Emergency Response Act. Asbestos-containing materials could include, but are not limited to, plaster, ceiling tiles, thermal systems insulation, floor tiles, vinyl sheet flooring, adhesives, and roofing materials. Caulk containing polychlorinated biphenyls (PCBs) was commonly used in building construction practices between 1950 and 1970 and, thus, may be presented in the existing building. Finally, the existing building may include items that contain mercury, such as gas pressure regulators or thermostats. Therefore, demolition of the on-site structures could present a potential hazard risk related to LBP, asbestos, PCB-containing caulk, or mercury. However, it should be noted that the project site has not been subject to past uses that would lead to site-specific lead contamination in soils and, as a result, testing for lead in on-site soils is not warranted.

Based on the above, the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment during construction activities. Thus, a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

- IX-1. In conjunction with the approval of any improvement plans associated with future development on the project sites, the project applicant shall prepare a soil assessment with surficial soil samples to determine the presence of pesticides. If pesticide concentrations higher than the allowable threshold are detected, the assessment shall include appropriate measures to address the contaminated soil, including, but not limited to, removal and disposal of the contaminated soil in accordance with federal, State, and local regulations or soil remediation to an acceptable total threshold limit*

concentration (TTLC) level pursuant to applicable State and federal regulations. The soil assessment and recommended measures shall be reviewed and approved by the City Engineer.

- IX-2. Prior to issuance of a demolition permit by the City for any on-site structures, the project applicant shall provide a site assessment that determines whether any structures to be demolished contain lead-based paint, asbestos, PCB-containing caulk, mercury, or other hazardous substances. If structures do not contain any hazardous substances, further mitigation is not required.

If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead.

If any structures contain asbestos, PCB-containing caulk, mercury, or other hazardous substance, the applicant for the demolition permit shall prepare and implement an abatement plan consistent with federal, State, and local standards, subject to approval by the City Engineer.

The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste in accordance with federal, State, and local regulations subject to approval of the City Engineer.

- c. The nearest school to the project sites is the Bear River Middle School, which is located approximately 0.32-mile from the southern boundary of the Avoca Orchards site. Therefore, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school, and a **less-than-significant** impact would occur.
- d. The California Environmental Protection Agency (EPA) has compiled a list of data resources that provide information regarding the facilities or sites identified as meeting the “Cortese List” requirements, pursuant to Government Code 65962.5. The components of the Cortese List include the Department of Toxic Substances Control (DTSC) Hazardous Waste and Substances Site List,⁶ the list of leaking underground storage tank (UST) sites from the State Water Resources Control Board (SWRCB’s) GeoTracker database,⁷ the list of solid waste disposal sites identified by the SWRCB, and the list of active Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (CAO) from the SWRCB.⁸ The project sites are not included on the DTSC Hazardous Waste and Substances Site List. In addition, the project sites are not listed on the SWRCB’s list of solid waste disposal sites, list of leaking UST sites, or list of active CDO and CAO. Therefore, the proposed

⁶ Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese)*. Available at: <https://www.envirostor.dtsc.ca.gov/public/>. Accessed November 2022.

⁷ State Water Resources Control Board. *GeoTracker*. Available at: <https://geotracker.waterboards.ca.gov/map/?myaddress=California&from=header&cqid=8858350455>. Accessed November 2022.

⁸ CalEPA. *Cortese List Data Resources*. Available at: <https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed November 2022.

project would not create a significant hazard to the public or the environment related to being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and **no impact** would occur.

- e. Beale Air Force Base is located approximately seven miles northeast of the project area. However, the sites are located at the edge of the Beale Air Force Base Overflight Zone. Therefore, any future development on the sites would be subject to certain development restrictions under the Land Use Compatibility Guidelines for Safety. According to the Beale Air Force Base Overflight Guidelines, the following types of development should be restricted within the overflight zone: chemical and allied products manufacturing; petroleum refining; rubber and plastics manufacturing; regional shopping centers; colleges and universities; hospitals; jails and detention centers; motion picture theater complexes; professional sport developments; stadiums and arenas; auditoriums; concert halls and amphitheatres; fairgrounds and expositions; racetracks; and theme parks. Such uses are not permitted uses within the M-1, R-1, or R-2 zoning districts proposed on the project sites. The proposed project would not directly result in the development of any of the aforementioned uses. In addition, future buildout of the project sites would adhere to federal and State regulations, as well as General Plan goals and policies, and relevant Municipal Code standards related to airport land use plans. Therefore, the proposed project would result in a **less-than-significant** impact related to a conflict with airport land use plans.
- f. The City currently does not have an official emergency response plan or emergency evacuation plan. The proposed project does not include any site-specific development plans, designs, or proposals at this time. Any future development within the project sites would be required to adhere to City regulations regarding emergency access. Therefore, the proposed project would not interfere with an emergency evacuation or response plan, and a **less-than-significant** impact would occur.
- g. Issues related to wildfire hazards are discussed in Section XX, Wildfire, of this IS/MND. As noted therein, the project sites are not located within or adjacent to a State Responsibility Area (SRA), or any Very High Fire Hazard Severity Zones.⁹ In addition, according to the City's General Plan EIR, the agricultural areas on the valley floor are the least fire-prone areas of the County, due to the presence of croplands, orchards, and irrigation. The relatively flat terrain of the proposed study area also makes the danger of wildland fires less hazardous. As wildland fires resulting from either natural or manmade causes occur in forest, brush, or grasslands, Wheatland is among the most fire-secure areas in Yuba County. Therefore, the proposed project would not expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, and a **less-than-significant** impact would occur.

⁹ California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed December 2022.

X. HYDROLOGY AND WATER QUALITY.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	✘	<input type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

- a. The proposed project does not include any site-specific development, designs, or proposals at this time. However, the proposed project could allow for future development on the project sites. Future construction activities, including the off-site extension of any necessary utilities, would likely include grading and vegetation removal, which may increase soil erosion rates and loss of topsoil on-site. Grading operations may impact the surface runoff by increasing the amount of silt and debris carried by runoff. In addition, refueling and parking of construction equipment and other vehicles on-site during construction may result in oil, grease, or related pollutant leaks and spills that may discharge into the City’s storm drains. Improper handling, storage, or disposal of fuels and materials or improper cleaning of machinery close to area waterways could cause water quality degradation. Nonetheless, any future on-site development requiring grading of one acre of land or more would be required to comply with the City’s Site Development Code, drainage requirements, and Stormwater Pollution Prevention Program, as well as employ best management practices (BMPs) for the prevention of erosion and the control of loose soil and sediment, to ensure that construction does not result in the movement of unwanted material into waters within or outside that particular project site. In addition, compliance with General Plan Policy 5.E.5 would ensure that future on-site development would comply with applicable State and federal pollutant discharge requirements.

Pursuant to the aforementioned requirements, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared for any future development of more than one acre within the project sites, which would include the site map, drainage patterns and stormwater

collection and discharge points, BMPs, and a monitoring and reporting framework for implementation of BMPs, as necessary. In addition, Wheatland Municipal Code Section 15.05.160 requires that erosion control measures be implemented in accordance with applicable federal, State, and local regulations, which would include compliance with the National Pollutant Discharge Elimination System (NPDES) Program.

The NPDES Construction General Permit prohibits the discharge of materials other than stormwater and authorized non-stormwater discharges (such as irrigation and pipe flushing and testing). Non-stormwater BMPs tend to be management practices with the purpose of preventing stormwater from coming into contact with potential pollutants. Examples of non-stormwater BMPs include preventing illicit discharges, and implementing good practices for vehicle and equipment maintenance, cleaning, and fueling operations, such as using drip pans under vehicles. Waste and materials management BMPs include implementing practices and procedures to prevent pollution from materials used on construction sites. Examples of materials management BMPs include the following:

- Good housekeeping activities such as storing of materials covered and elevated off the ground, in a central location;
- Securely locating portable toilets away from the storm drainage system and performing routine maintenance;
- Providing a central location for concrete washout and performing routine maintenance;
- Providing several dumpsters and trash cans throughout the construction site for litter/floatable management; and
- Covering and/or containing stockpiled materials and overall good housekeeping on the site.

Final BMPs would be chosen in consultation with the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, and implemented by the future project contractor.

In accordance with the Construction General Permit, the project site would also be inspected during construction before and after storm events and every 24 hours during extended storm events in order to identify maintenance requirements for the implemented BMPs and to determine the effectiveness of the implemented BMPs. As a “living document,” the site-specific SWPPP that would be prepared would be modified as construction activities progress. A Qualified SWPPP Practitioner (QSP) would ensure compliance with the SWPPP through regular monitoring and visual inspections during construction activities. The QSP for the project would amend the SWPPP and revise project BMPs, as determined necessary through field inspections, to protect against substantial erosion or siltation on- or off-site.

Compliance with the aforementioned local, State, and federal requirements would ensure that future development facilitated by the proposed project would not result in the violation of water quality standards or degradation of water quality. Therefore, a **less-than-significant** impact would occur.

B,e The project sites are situated within the South Yuba Subbasin which lies within the Sacramento Valley Groundwater Basin. The South Yuba Subbasin is bounded on the north by the Yuba River, which separates the South Yuba Subbasin from the North Yuba

Subbasin, on the west by the Feather River, on the south by the Bear River, and on the east by the Sierra Nevada. The California Department of Water Resources Bulletin 118-80 documents that the South Yuba Subbasin is not considered to be in overdraft and that groundwater levels within the subbasin are continuing to increase to near historic high elevations due to increasing surface water irrigation supplies and reduced groundwater pumping.

Groundwater within the South Yuba Subbasin is managed by the *Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan* (Yuba Subbasins GSP), a product of three Groundwater Sustainability Agencies (GSAs): the Cordua Irrigation District, the Yuba Water Agency, and the City of Marysville.¹⁰ According to the Yuba Subbasins GSP, regional groundwater quality in the Yuba Subbasins is considered good to excellent for municipal, domestic, and agricultural uses and does not have a significant adverse impact on the beneficial uses of groundwater in the subbasins. According to the Yuba Subbasins GSP, while groundwater pumping may exceed sustainable yield during certain years, reduced pumping in other years generally ensures that the long-term average remains at or below the sustainable yield. Generally, the City has found that water supply is not a limiting factor for new development.

The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development proposals at this time. Thus, the proposed project would not directly result in the use of groundwater. However, the proposed project could allow for the future development of impervious surfaces on the project sites, which would result in decreased percolation of stormwater within developed areas of the site. Nonetheless, the project sites constitutes a relatively small area compared to the size of the groundwater basin, and, thus, does not constitute a substantial source of groundwater recharge. In addition, future development would be anticipated to allow for some continued infiltration on-site through unpaved/landscaped areas of the site. Therefore, the proposed project would not substantially interfere with groundwater recharge.

Therefore, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the South Yuba Subbasin. In addition, the project would not conflict with or obstruct implementation of the Yuba Subbasins GSP. Thus, a **less-than-significant** impact would occur.

- c.i-iii. The proposed project would allow for potential future development on the project sites. Such development would likely involve the creation of new impervious surfaces, which would alter the existing drainage patterns of the sites. However, the proposed project does not involve any proposals for physical development at this time. In addition, all future development facilitated by the proposed project would be subject to General Plan policies and Municipal Code standards, such as General Plan Policy 5.E.5 and Municipal Code Section 15.05.160 (as discussed above) related to runoff management and low impact design, and would be subject to payment of the City's storm drainage development impact fee. In addition, a SWPPP would be prepared for any future development of more than one acre within the project sites, and all future on-site development would be required to comply with all conditions included in the NPDES Construction General Permit.

¹⁰ Cordua Irrigation District, Yuba Water Agency, City of Marysville. *Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan*. December 2019.

Compliance with such regulations would ensure that future development would not substantially alter the existing drainage pattern of the City, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Consequently, the proposed project would result in a **less-than-significant** impact.

- c.iv. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the Pottery World site, the northern portion of the site is located within Zone X, identified as an Area of Minimal Flood Hazard; the central portion of the site is located within Zone X, identified as areas with a 0.2 percent Annual Chance Flood Hazard, or Areas of One Percent Annual Chance Flood with an Average Depth Less Than One Foot or with Drainage Areas of Less Than One Square Mile; and the southern portion of the site is located within Zone A, identified as a Special Flood Hazard area (SFHA). The water surface elevations (WSEs) associated with Dry Creek within the portion of the Pottery World site located in Zone A have been determined by FEMA to range from approximately 77.6 feet above mean sea level (msl) in the southwestern portion of the site, to 78.6 feet above msl in the southeastern portion of the site. According to the FEMA FIRM for the Avoca Orchards site, the site is located entirely within Zone A, identified as a SFHA.

Given that a portion of the Pottery World site and all of the Avoca Orchards site are within a SFHA, future development within either site could be exposed to risks associated with flood hazards. Chapter 15.20, Floodplain Management, of the City of Wheatland Municipal Code establishes standards for development within floodplains. Thus, future development within the portions of the project sites located within Zone A would be subject to all relevant restrictions set forth within Chapter 15.20 of the City's Municipal Code. Compliance with such would ensure that future development facilitated by the proposed project would not be exposed to risks associated with flood hazards. However, because a portion of the Pottery World site and all of the Avoca Orchards site are within a SFHA, if future development were to occur within the project sites, a **potentially significant** impact could occur related to impeding or redirecting flood flows due to implementation of the proposed project.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

- X-1 *Prior to issuance of building permits for future development within the project sites, a Hydrology Study must be submitted to the City Engineer demonstrating the project's compliance with all relevant sections of the City's Municipal Code and applicable federal standards (such as those established by FEMA). Compliance with FEMA standards may include obtaining a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area, if required. A copy of the letter shall be provided to the Engineering and Surveying Division. A Letter of Map Revision (LOMR), or a Letter of Map Revision based on Fill (LOMR-F) from FEMA shall be*

submitted to the City's Engineer prior to acceptance of project improvements as complete.

- D. As discussed under question 'c.iv' above, a portion of the Pottery World site and all of the Avoca Orchards site are located within a SFHA. However, Mitigation Measure X-1 would ensure that flooding hazards associated with any future development within the project sites would be reduced to a less-than-significant level. In addition, the project sites are located inland, approximately 100 miles away from the coastline, and closed bodies of water are not located within the project vicinity. Therefore, the proposed project would not pose a risk related to the release of pollutants due to project inundation due to flooding, tsunami, or seiche, and a ***less-than-significant*** impact would occur.

XI. LAND USE AND PLANNING.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

Discussion

- a. A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community, or isolate an existing land use. The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. As such, the proposed project would not directly result in any impacts associated with physically dividing an established community.

Generally, surrounding existing uses include the Plumes Brophy Fire Department and agricultural land to the north; agricultural land, rural residences, and single-family residences to the east and west; and agricultural land to the south. SR 65 and UPRR tracks bound the Pottery World project site to the east. Therefore, while the proposed project could result in the development of future light industrial and residential uses on-site, the project would not alter the general development trends in the area nor isolate an existing land use. Furthermore, any future development on the project sites facilitated by the proposed project would be required to comply with all applicable General Plan goals and policies, as well as all other federal, State, and local regulations, which would ensure that the physical arrangement of existing land uses within the City would not be disrupted. Future development facilitated by the proposed project would also be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval to ensure development is compatible with the surrounding area and the City of Wheatland’s Community Design Standards.

Based on the above, the proposed project would not physically divide an established community, and a **less-than-significant** impact would occur.

- b. As discussed throughout this IS/MND, the proposed project would not result in any significant environmental effects that cannot be mitigated to a less-than-significant level by the mitigation measures provided herein or through compliance with standard local, State, and federal regulations. In addition, future development occurring pursuant to the proposed annexations, Pre-Zoning, and General Plan Amendment would be required to be consistent with all applicable development standards established in the City’s Municipal Code. Furthermore, the discussion in Table 2 evaluates the proposed project’s consistency with relevant Yuba LAFCo policies and standards regarding annexation pursuant to Section II of the Yuba LAFCo Policy, Standards, and Procedures Manual. As demonstrated in Table 2, the proposed project is generally consistent with the standards set forth by Yuba LAFCo. Ultimately, annexation of the project sites is a discretionary action by Yuba LAFCo.

Therefore, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Thus, a **less-than-significant** impact would occur.

**Table 2
Yuba LAFCo Policy Discussion**

Policy	Project Consistency
<p>B. <u>Urban Development</u>: Yuba LAFCo will encourage proposals that promote urban development to include annexation to a city or district where it is reasonable to do so, and to discourage proposals for urban development without annexation. Yuba LAFCo will also encourage cities and districts to annex lands that have been developed to urban levels, particularly areas that receive city or district services. Urban Development includes development that utilizes either public water or sewer, and which involves industrial or commercial use, or residential use with density of at least one unit per 1.5 acres.</p>	<p>The proposed project would include annexation of the entire 140-acre project area (consisting of the 30-acre Pottery World site and the 110-acre Avoca Orchards site) to the City of Wheatland, with boundaries coterminous with Wheatland's existing city limits and with all public services and utilities being provided by the City of Wheatland, in order to allow for the future development of the sites with light industrial and residential uses. As such, the proposed project would be generally consistent with Policy B of LAFCo's General Standards.</p>
<p>C. <u>Discouraging Urban Sprawl</u>: Yuba LAFCo will discourage urban sprawl, and the Commission will make findings and deny proposals that can reasonably be expected to result in sprawl. Sprawl is characterized by irregular, dispersed, and/or disorganized urban or suburban growth patterns occurring at relatively low density and in a manner that precludes or hinders efficient delivery of municipal services, especially roads, public sewer and public water.</p>	<p>The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. While the proposed project could result in future development of the sites with light industrial and residential uses, as discussed above, the project sites' boundaries are coterminous with Wheatland's existing city limits, and all public services and utilities would be provided by the City of Wheatland following annexation of the project sites.</p> <p>Based on the above, compliance with all applicable standards would ensure that the project would not include irregular, dispersed, and/or disorganized urban or suburban growth patterns occurring at relatively low densities that hinders efficient delivery of municipal services.</p>
<p>D. <u>Environmental Consequences (CEQA)</u>: LAFCO shall operate in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 and the Guidelines for implementation of the California Environmental Quality Act. Like other public agencies, LAFCO is required to comply with the California Environmental Quality Act and consider the environmental consequences of its actions. Each proposal must receive the appropriate environmental review for consideration by the Commission in making its decisions. LAFCO is frequently a "responsible agency" and</p>	<p>This IS/MND is a program-level IS/MND that evaluates the full range of potential environmental impacts of the proposed project, pursuant to Appendix G of the CEQA Guidelines. LAFCo, as a responsible agency, will review and consider this IS/MND for its actions.</p>

Table 2
Yuba LAFCo Policy Discussion

Policy	Project Consistency
<p>reviews and considers the environmental document prepared for the project by another agency (a city, the county, or a special district). Occasionally LAFCO will be the “lead agency” and may be required to prepare and certify a Negative Declaration or Environmental Impact Report (EIR) for a proposal. If a city, the county, or a special district is the proponent of a proposal, it is usually the lead agency. One of the following determinations must be made by the lead agency after the appropriate environmental review:</p> <ul style="list-style-type: none"> a) The project is exempt and a Notice of Exemption is prepared. b) A Negative Declaration is prepared, circulated for public review and certified by the governing body after an initial study finds that no significant impact to the environment will occur. The lead agency is required to consult with LAFCO staff during the review process. c) An EIR is prepared, circulated, and certified by the governing body if a project may have significant impacts on the environment. The lead agency must consult with LAFCO staff during the process. 	
<p><u>E. Balancing Jobs And Housing:</u> Yuba LAFCo will encourage applications which improve the regional balance between jobs and housing. Yuba LAFCo will consider the impact of a proposal on the regional supply of residential housing for all income levels. The agency that is the subject of the proposal must demonstrate to the Commission that any adverse impacts of the proposal on the regional affordable housing supply will be mitigated.</p>	<p>The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. Future on-site development facilitated by the proposed project would include light industrial uses on the 30-acre Pottery World site and residential uses on the 110-acre Avoca Orchards site.</p> <p>The future development of light industrial uses within the Pottery World site would increase the amount of job opportunities within the City. In addition, the proposed Pre-Zoning designations of the Avoca Orchards site would be consistent with the site’s existing General Plan designations of LDR, LMDR, and MDR, which would remain. Therefore, development of the Avoca Orchards site under the existing General Plan land use</p>

Table 2	
Yuba LAFCo Policy Discussion	
Policy	Project Consistency
	<p>designations, and consequently, any impacts to the job/housing ratio of the City, were previously analyzed within the City's General Plan EIR.</p> <p>Overall, the proposed project is not expected to result in any adverse impacts related to the jobs-to-housing balance within the City of Wheatland.</p>
<p>F. <u>Disadvantaged Unincorporated Communities:</u> For the purposes of implementing SB244 and §56375(a)(8)(A), the Commission shall not approve an annexation to a City of any territory greater than ten acres (10.00) acres, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the city has been filed with the executive officer within the preceding five (5) years provided the Commission does not find, based on written evidence, that a majority of the registered voters within the disadvantaged community oppose annexation.</p>	<p>Disadvantaged unincorporated communities do not exist within the project area. Therefore, the proposed annexation would not result in any impacts to such communities.</p>
<p>8. <u>Compact Urban Form and Infill Development Encouraged:</u> When reviewing proposals that result in urban development, LAFCo will consider whether the proposed development is timely, compact in form and contiguous to existing urbanized areas. LAFCo will favor development of vacant or under-utilized parcels already within a city or other urbanized area prior to annexation of new territory.</p>	<p>The proposed project is contiguous to existing urbanized areas, such as the single-family residential neighborhood to the east of the Avoca Orchards site, and is located adjacent to the existing City of Wheatland city limits. The proposed project does not include any site-specific development plans, designs, or proposals at this time. While the proposed project could result in future development of the sites with light industrial and residential uses, future development facilitated by the proposed project would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval, to ensure development is compatible with the surrounding area and the City of Wheatland's Community Design Standards.</p> <p>In addition, future residential development under the R-1 and R-2 zoning designations would be constructed at typical urban residential densities and would not include any large-lot development. Furthermore, it is important to note that only a small amount of vacant land exists within the current Wheatland city limits and these vacant parcels have existing constraints to</p>

Table 2
Yuba LAFCo Policy Discussion

Policy	Project Consistency
	development. Therefore, feasible alternative locations for similar development do not exist within the City.
<p>I. <u>Adequate Services</u>: Yuba LAFCo will consider the ability of an agency to deliver adequate, reliable and sustainable services and water resources, and will not approve a proposal that has significant potential to diminish the level of service in the agency’s current jurisdiction. The agency must provide satisfactory documentation of capacity to provide service within a reasonable amount of time.</p>	<p>As discussed throughout this IS/MND, adequate services related to waste disposal and recycling, electricity, school and park facilities, and law enforcement and fire protection exist to serve the proposed project. Mitigation Measures XIX-1 and XIX-2 have been included in Section XIX, Utilities and Service Systems, of this IS/MND to ensure that the City of Wheatland water supply and wastewater utilities would be sufficient to accommodate future development of the proposed project, while at the same time not being adversely affected so as to compromise the City’s ability to adequately serve existing residents and businesses. Therefore, with implementation of the mitigation measures included in this IS/MND, the proposed annexation would be consistent with Policy I of LAFCo’s General Standards.</p>
<p>K. <u>Community Impacts</u>: Yuba LAFCo will consider the impacts of a proposal and any alternative proposals on adjacent areas, on mutual social and economic interests, and on the local government structure. The Commission may deny a proposal if adverse impacts are not mitigated to an acceptable level.</p>	<p>As discussed throughout this IS/MND, the proposed project would not result in any significant environmental effects that cannot be mitigated to a less-than-significant level by the mitigation measures provided herein or through compliance with standard local, State, and federal regulations.</p>
<p>L. <u>Conformance With General And Specific Plans</u>:</p> <ol style="list-style-type: none"> 1. <u>Consistency with General and Specific Plans</u>. Yuba LAFCo will approve changes of organization or reorganization only if the proposal is consistent with the General Plan and relevant Specific Plans of the applicable planning jurisdiction. 2. <u>Planning Jurisdiction</u>. The applicable planning jurisdiction is as follows: <ol style="list-style-type: none"> a) For areas within a city’s sphere of influence, the city is the applicable planning jurisdiction. b) For areas outside a city’s sphere of influence, Yuba County is the applicable planning jurisdiction. 3. <u>Notification of Consistency</u>. Prior to consideration of the application and proposal by Yuba LAFCo, the 	<p>The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time.</p> <p>While the proposed project would include a General Plan Amendment for the Pottery World site, according to the City’s General Plan, the site’s existing UR designation is applied to land which may be considered for development in the future with urban uses. Urban development may not occur on lands designated UR before the General Plan is amended to specify a primary land use designation for the property. Therefore, the City has generally anticipated that the site would be developed with urban uses. Furthermore, while the Avoca Orchards site would require Pre-Zoning of the site with a City zoning designation of R-1 and R-2, the Pre-Zoning designations would be consistent with the site’s existing General Plan designations of LDR,</p>

Table 2
Yuba LAFCo Policy Discussion

Policy	Project Consistency
<p>applicable planning jurisdiction shall advise Yuba LAFCo in writing whether the proposal meets all applicable consistency requirements of state law, including internal consistency. If the applicable planning jurisdiction is also applying to Yuba LAFCo by Resolution of Application, such findings may be included in the Resolution. Yuba LAFCo shall retain independent discretion to determine consistency and may require additional information if necessary, particularly where the proposal involves an amendment to the general plan of the applicable planning jurisdiction</p> <p>4. <u>Consistency Found Adequate.</u> For purposes of this standard, the proposal shall be deemed consistent if the proposed use is:</p> <ul style="list-style-type: none"> a) Consistent with the applicable General Plan designation and text; b) The applicable general plan is legally adequate and internally consistent; and c) The anticipated types of services to be provided are appropriate to the land use designated for the area. <p>5. <u>Prezoning or Planning.</u> All territory proposed for annexation must be specifically planned and/or prezoned by the planning agency. The prezoning or zoning of the territory must be consistent with its general plan designation and sufficiently specific to determine the likely intended use of the property. State law permits no subsequent change to the zoning by a city for a period of two years after annexation under most circumstances.</p>	<p>LMDR, and MDR, which would remain. Therefore, development of the Avoca Orchards site with residential uses is consistent with the City's General Plan.</p> <p>Future development facilitated by the proposed project would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval, to ensure development is compatible with the surrounding area and the City of Wheatland's Community Design Standards. In addition, future development would be required to adhere to all applicable development standards included in the City's General Plan and Municipal Code for the proposed land use and zoning designations of the project sites.</p> <p>It should also be noted that annexation is ultimately subject to approval by Yuba LAFCo. The City Council would be responsible for approving a resolution authorizing the City to submit an application for annexation to Yuba LAFCo, which would be subject to approval by Yuba LAFCo, as a Responsible Agency.</p>
<p>M. <u>Boundaries</u></p> <p>1. <u>Definite Boundaries Required.</u> Yuba LAFCo will not accept as complete any application for a proposal unless it includes boundaries that are definite, certain, and fully described.</p>	<p>As shown in Figure 2 of this IS/MND, the approximately 140-acre project area consists of two project sites: the approximately 30-acre Pottery World project site (identified by APN 015-100-053) and the approximately 110-acre Avoca Orchards project site (identified by APNs 015-100-061, -084 and -089). The project sites are located outside of, and directly north and west of,</p>

Table 2
Yuba LAFCo Policy Discussion

Policy	Project Consistency
<p>2. <u>Boundary Criteria.</u> Yuba LAFCo will normally favor applications with boundaries that do the following:</p> <ul style="list-style-type: none"> a) Create logical boundaries within the affected agency's Sphere of Influence, and where possible, eliminate previously existing islands or other illogical boundaries. b) Follow natural or man-made features and include logical service areas, where appropriate. <p>3. <u>Boundary Adjustments.</u> Yuba LAFCo will request that applicants amend their proposals if boundaries:</p> <ul style="list-style-type: none"> a) Split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social or economic identity. b) Result in islands, corridors, or peninsulas of incorporated or unincorporated territory or otherwise cause distorted, or further distort, boundaries. c) Are drawn for the primary purpose of encompassing revenue producing territories. d) Create areas where it is difficult to provide services. <p>4. <u>Boundary Disapprovals.</u> If Yuba LAFCo cannot suitably adjust the boundaries of a proposal to meet the criteria established in item 2 above, it will normally deny the proposal.</p>	<p>the existing Wheatland City limits; however, the sites are included in the City of Wheatland SOI.</p>
<p>N. <u>Levee Maintenance And Flood Planning:</u> LAFCo will normally deny changes of organization that do not include adequate provisions for levee buffers and maintenance nor comply with flood planning and insuring requirements established by FEMA and DWR. Levee maintenance buffers of a minimum of fifty (50) feet from the base of the levee to a development area shall be required.</p>	<p>As discussed in Section X, Hydrology and Water Quality, a portion of the Pottery World site and all of the Avoca Orchards site are within a SFHA. Chapter 15.20, Floodplain Management, of the City of Wheatland Municipal Code establishes standards for development within floodplains. Thus, future development within the portions of the project sites located within Zone A would be subject to all relevant restrictions set forth within Chapter 15.20 of the City's Municipal Code. Compliance with such would be ensured through Mitigation Measure X-1, which requires that, prior</p>

Table 2 Yuba LAFCo Policy Discussion	
Policy	Project Consistency
	to issuance of building permits for future development within the project sites, a Hydrology Study be submitted to the City Engineer demonstrating the project's compliance with all relevant sections of the City's Municipal Code and applicable federal standards, such as those established by FEMA. Therefore, with implementation of the mitigation measures included in this IS/MND, the future development facilitated by the proposed project would not be exposed to risks associated with flood hazards.
<p>P. <u>Prime Agricultural And Open Space Land Conservation</u>: A primary goal of Yuba LAFCo is the preservation of open space and prime agricultural lands. Yuba LAFCo will exercise its powers to preserve prime agricultural ("ag") land as defined in Section 56064 of the Government Code, and open space land as defined in Section 65560 of the Government Code pursuant to the following standards:</p> <ol style="list-style-type: none"> 1. <u>Conditions for Approval of Prime Ag/Open Space Land Conversion</u>. Yuba LAFCo will apply a heightened level of review when considering proposals for changes of organization or reorganization which are likely to result in the conversion of prime ag/open space land use to other uses, and will approve such proposals only when the Commission finds that the proposal will lead to planned, orderly, and efficient development. For purposes of this standard, a proposal leads to planned, orderly, and efficient development only if all of the following criteria are met: <ol style="list-style-type: none"> a) The land subject to the change of organization or reorganization either is contiguous to lands developed with an urban use or lands which have received all discretionary approvals for urban development. b) The proposed development of the subject lands is consistent with the Spheres of Influence Plan, including 	<p>As discussed in Section II, Agriculture and Forestry Resources, of this IS/MND, according to the Department of Conservation's FMMP, the majority of the Pottery World site is designated Unique Farmland, and the majority of the Avoca Orchards site is designated Prime Farmland. In addition, the project sites meet the Yuba LAFCo definition of prime farmland. It should be noted that while the project sites are located outside of, and directly north and west of, the Wheatland City limits, the sites are included in the City of Wheatland General Plan and SOI.</p> <p>The proposed project would include a General Plan Amendment to change the Pottery World site's land use designation from UR to Employment and Pre-Zoning of the site from AE-40 to M-1. As a result, the proposed project would allow for the future development of a maximum of 653,400 sf of light industrial uses within the Pottery World site, which would have the potential to convert the existing Unique Farmland on the site to a non-agricultural use. However, according to the City's General Plan, the UR designation is applied to land which may be considered for development in the future with urban uses. Urban development may not occur on lands designated UR before the General Plan is amended to specify a primary land use designation for the property. Therefore, the City has generally anticipated that the site would be developed with urban uses, and that future development of the site would result in the conversion of farmland to urban uses.</p> <p>In addition, while the Avoca Orchards site would require Pre-Zoning of the site with City zoning designations of R-1 and R-2, the Pre-Zoning designations would be consistent with the site's existing General Plan designations of LDR, LMDR, and MDR, which would remain.</p>

Table 2
Yuba LAFCo Policy Discussion

Policy	Project Consistency
<p>the municipal services review of the affected agency or agencies and the land subject to the change of organization is within the sphere of influence boundary as established by Yuba LAFCo.</p> <p>c) The land subject to the change of organization is likely to be developed within 5 years. In the case of very large developments, annexation should be phased wherever feasible. If the Commission finds that phasing is not feasible for specific reasons, it may approve annexation if all or a substantial portion of the subject land is likely to develop within a reasonable period.</p> <p>D) Insufficient vacant non-prime or open space land exists within the existing agency boundaries or applicable sphere of influence that is planned and developable for the same general type of use.</p> <p>e) The proposal will have no significant adverse effect on the physical and economic integrity of other adjacent or nearby ag/open space lands.</p> <p>2. <u>Approved Sphere of Influence Plan Required.</u> Yuba LAFCo will not make the affirmative findings that the proposed development of the subject lands is consistent with the Spheres of Influence in the absence of an approved Spheres of Influence Plan, containing all of the elements required by Section III.B, below.</p> <p>3. <u>Finding with Respect to Alternative Sites.</u> Yuba LAFCo will not make the affirmative findings that insufficient vacant non-prime or open space land exists within the</p>	<p>Therefore, the proposed project would not modify the anticipated use of the Avoca Orchards site. As a result, development of the Avoca Orchards site with residential uses was previously anticipated by the City, and impacts related to the conversion of on-site Prime Farmland and Unique Farmland to a non-agricultural use has been anticipated by the City and previously analyzed within the City's General Plan EIR. The Wheatland General Plan EIR concluded that the implementation of the goals and policies in the General Plan would minimize impacts to agriculture; however, impacts to agricultural land would remain significant and unavoidable because buildout of the General Plan would permanently convert Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural uses. The Wheatland City Council adopted Findings of Fact and a Statement of Overriding Considerations for the significant and unavoidable impacts associated with the General Plan buildout.</p> <p>Furthermore, as discussed above, the project sites are located directly north and west of the Wheatland City limits. It is important to note that only a small amount of vacant land exists within the current Wheatland city limits and these vacant parcels have existing constraints to development. Therefore, feasible alternative locations for similar development do not exist within the City.</p>

Table 2
Yuba LAFCo Policy Discussion

Policy	Project Consistency
<p>Spheres of Influence plan unless the applicable jurisdiction has:</p> <ul style="list-style-type: none"> a) Identified within its Sphere of Influence all “prime agricultural land” and “open space land”. b) Enacted measures to preserve prime ag/open space land identified within its Sphere of Influence for agricultural or open space use. c) Adopted as part of its General Plan specific measures to facilitate and encourage in-fill development as an alternative to the development of prime ag/open space lands. <p>4. <u>Determining Impact on Adjacent Ag/Open Space Lands.</u> In making the determination, whether conversion will adversely impact adjoining prime agricultural or open space lands, Yuba LAFCo will consider the following factors:</p> <ul style="list-style-type: none"> a) The prime ag/open space significance of the subject and adjacent areas relative to other ag/open space lands in the region. b) The use of the subject and the adjacent areas. c) Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of adjacent or nearby prime ag/open space land, or will be extended through or adjacent to any other prime ag/open space lands which lie between the project site and existing facilities. D) Whether natural or man-made barriers serve to buffer adjacent or nearby prime ag/open space land 	

Table 2
Yuba LAFCo Policy Discussion

Policy	Project Consistency
<p>from the effects of the proposed development.</p> <p>e) Applicable provisions of the General Plan open space and land use elements, applicable growth-management policies, or other statutory provisions designed to protect agriculture or open space land.</p> <p>5. <u>Comments on Prime Ag/Open Space Projects.</u> Yuba LAFCo will comment upon, whenever feasible, a Notice of Preparation for Environmental Impact Reports for projects which involve the development of large tracts of open space or agricultural land.</p> <p>6. <u>Agricultural Buffer Policy.</u> LAFCO will normally disapprove an annexation of territory to a City or District or the formation of a district that will facilitate urban development where the territory to be annexed or formed is adjacent to agricultural lands unless adequate protections are included in the proposal to protect agricultural activities on nearby agricultural lands. Adequate protection shall normally be provided for an open space buffer of adequate width along the boundary (for example, 300 feet in width) so as to protect adjacent agricultural lands and activities. The Commission will consider other methods after making a finding, based on thorough environmental analysis and substantial evidence in the record, or that a buffer of reduced width and (or) an alternative are equally effective in protecting adjacent agricultural land and activities. Any protections shall be in the form of long-term legally enforceable restrictions such as a restrictive covenant or open space easement enforceable by</p>	

Table 2 Yuba LAFCo Policy Discussion	
Policy	Project Consistency
the public as well as the annexing or forming agency.	

XII. MINERAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘

Discussion

a,b. According to the Yuba County General Plan Environmental Setting and Background Report (ESBR), mineral resources present in the County include precious metals, copper, zinc, Fullers earth, sand and gravel, and crushed stone. However, the City of Wheatland is located outside of the recognized Mineral Land Classification Area as identified in the Yuba County General Plan ESBR. Therefore, **no impact** related to mineral resources would occur with implementation of the proposed project.

XIII. NOISE.

Would the project result in:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a. The following sections include a discussion of noise standards and criteria applicable to various land uses, the existing noise-sensitive land uses in the project vicinity, and potential traffic noise and non-transportation noise sources associated with construction and operation of the proposed project. The following terms are referenced in the sections below:

- Decibel (dB): A unit of sound energy intensity. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. All references to decibels (dB) in this section will be A-weighted unless noted otherwise;
- Day-Night Average Level (DNL or L_{dn}): The average sound level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 PM to 7:00 AM) hours;
- Average or Equivalent Sound Level (L_{eq}): L_{eq} is the average sound level over the period of measurement.

City of Wheatland Noise Standards and Criteria

General Plan Policy 9.G.2 requires noise created by new non-transportation sources to be mitigated so as not to exceed the noise level standards in Table 3, as measured immediately within the property line of lands designated for noise-sensitive uses.

Table 3		
City of Wheatland General Plan Noise Level Standards New Projects Affected by or Including Non-Transportation Sources*		
Noise Level Descriptor	Daytime (7:00 AM-10:00 PM)	Nighttime (10:00 PM-7:00 AM)
Hourly L_{eq} , dB	50	45
Maximum Level, dB	70	65
* The City defines transportation noise sources as traffic on public roadways, railroad line operations, and aircraft in flight. Control of noise from such sources is preempted by federal and State regulations. Other noise sources are presumed to be subject to local regulations. Non-transportation noise sources include industrial operations, outdoor recreation facilities, HVAC units, and loading docks.		

Section 8.04.030(H) of the City's Municipal Code pertaining to prohibited noises includes provisions related to the construction or repairing of buildings. As detailed therein, the erection (including excavation), demolition, alteration, or repair of any building is generally prohibited, other than between the hours of 7:00 AM and 10:00 PM on weekdays, except in case of urgent necessity in the interest of the public health and safety. In such cases, construction and/or repair may be conducted within prohibited hours only with a permit from the building inspector, which may be granted for a period not to exceed three days. The permit may be renewed in the event emergency conditions continue.

Sensitive Noise Receptors

Some land uses are considered more sensitive to noise than others, and, thus, are referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. The nearest existing sensitive receptor to the Pottery World site is a single-family residence located approximately 75 feet from the site's northern border, and the nearest existing sensitive receptor to the Avoca Orchards site is located approximately 60 feet from the site's eastern border.

Construction Noise

Heavy equipment could be used for future grading, excavation, paving, and building construction, associated with potential future development facilitated by the proposed project, which would increase ambient noise levels when in use. However, noise levels would vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. In addition, noise exposure at any single point outside the project area would vary depending on the proximity of construction activities to that point. Furthermore, Section 8.04.030(H) of the City of Wheatland's Municipal Code restricts construction activities to between the hours of 7:00 AM and 10:00 PM on weekdays. Future construction activities, including the off-site extension of any necessary utilities, would be required to comply with all applicable standards and regulations set forth by the City, and are anticipated to be relatively short-term. Therefore, impacts resulting in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance would be less than significant.

Operational Noise

The proposed project does not include any site-specific development plans, designs, or proposals at this time. Thus, implementation of the proposed project would not directly result in the generation of increased noise levels within the City, and would not expose sensitive receptors to excess noise levels. However, the proposed project would allow for the future development of light industrial and residential uses within the project sites.

Generally, the primary noise source associated with light industrial development is traffic noise. The primary non-transportation noise sources associated with light industrial uses are typically on-site heavy truck circulation, truck backing and trailering, and parking lot activity. Given that site-specific development plans, designs, or proposals have not been prepared for the Pottery World site, the potential exists that such noise sources could result in the generation of a substantial permanent increase in ambient noise levels in excess of standards established in the City's General Plan and the Municipal Code.

Residential uses do not typically involve generation of substantial on-site noise level increases; rather, similar to light industrial uses, the primary noise source associated with residential development is traffic noise. However, the proposed project would not modify the anticipated use of the Avoca Orchards site. As such, development of the Avoca Orchards site with residential uses was anticipated by the City, and increases in traffic noise levels associated with buildout of the site have been previously analyzed within the City's General Plan EIR. The General Plan EIR concluded that traffic noise impacts would be significant and unavoidable with buildout of the General Plan, even with implementation of General Plan policies and mitigation included within the General Plan EIR. The Wheatland City Council adopted Findings of Fact and a Statement of Overriding Considerations for the significant and unavoidable impacts associated with the General Plan buildout. Because future development within the Avoca Orchards site would be consistent with the site's existing land use designations, such development would not result in traffic noise levels beyond what was previously analyzed within the City's General Plan EIR.

Conclusion

Based on the above, while construction of future development facilitated by the proposed project and future operations associated with buildout of the Avoca Orchards site would not result in the generation of a substantial increase in ambient noise levels in excess of standards established in the City's General Plan and the Municipal Code, development of the Pottery World site with light industrial uses has the potential to result in substantial noise increases in the project area during operations. Thus, a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

XIII-1 Prior to the approval of grading permits for any future development on the Pottery World site, a project-level noise assessment shall be prepared by a qualified acoustic engineer demonstrating that the proposed development would meet the applicable City of Wheatland exterior noise standards, and, if necessary, provide recommended mitigation measures, that may include, but shall not be limited to, the use of sound walls or other noise reducing measures at the project site. The noise assessment shall be submitted to the City of Wheatland Community Development Department for review and approval, and the recommendations shall be shown on all project plans, subject to review and approval by the City Engineer.

- b. Similar to noise, vibration involves a source, a transmission path, and a receiver. However, noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating.

Vibration is measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration in terms of peak particle velocities (PPV) in inches per second (in/sec). Standards pertaining to perception as well as damage to structures have

been developed for vibration levels defined in terms of PPV. Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. According to Caltrans, the threshold for architectural damage to structures is 0.20 in/sec PPV and continuous vibrations of 0.10 in/sec PPV, or greater, would likely cause annoyance to sensitive receptors.

As discussed above, the proposed project does not include any site-specific development plans, designs, or proposals at this time. Thus, implementation of the proposed project would not directly result in the generation of increased vibration levels within the City, and would not expose sensitive receptors to excess noise levels.

Noise and vibration associated with the construction of future development facilitated by the proposed project would add to the noise environment in the immediate project vicinity; however, construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours. Because the proposed project would not cause continuous, long-term vibrations, the project would not be expected to result in extended annoyance to sensitive receptors located in proximity to the project site.

The primary vibration-generating activities associated with the proposed project would likely occur during grading, placement of utilities (including off-site utility connections), and construction of buildings. Typical vibration levels produced by construction equipment at 50 feet are generally below Caltrans' threshold for damage to residential structures (0.20 in/sec PPV) or Caltrans' threshold for annoyance (0.1 in/sec PPV). The nearest sensitive receptors within the project area are located approximately 60 feet from the nearest project site boundary. Therefore, sensitive receptors would be located farther than 50 feet away from any construction activities that would occur within the project sites, ensuring that any future construction does not exceed Caltrans' threshold for damage to residential structures (0.20 in/sec PPV) or Caltrans' threshold for annoyance (0.1 in/sec PPV).

Therefore, the proposed project would not result in the generation of excessive groundborne vibration or groundborne noise levels, and a **less-than-significant** impact would occur.

- c. The nearest airport to the City of Wheatland is the Beale Air Force Base, located approximately seven miles northeast of the project sites. According to the Beale Air Force Base Land Use Compatibility Plan (LUCP), the project sites are located within the Airport Influence Area associated with the airstrip, within Review Area 2.¹¹ According to the Beale Air Force Base LUCP, Review Area 2 includes locations where airspace protection and/or overflight are compatibility concerns, but not noise or safety. In addition, the entirety of both project sites is located outside of all noise impact zones identified in Map 2 of the Beale Air Force Base LUCP. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels, and a **less-than-significant** impact would occur.

¹¹ Sacramento Area Council of Governments. *Beale Air Force Base Land Use Compatibility Plan*. Approved March 2011.

XIV. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

- a. The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly induce substantial unplanned population growth.

Development of light industrial uses within the Pottery World site would not result in direct population growth. Because future development of the Pottery World site with light industrial uses could include the hiring of new employees, the project may indirectly contribute to an influx of new residents. However, many of the employees to be hired are anticipated to be existing residents of the City of Wheatland, and, thus, substantial population growth would not occur.

While the Avoca Orchards site would require Pre-Zoning of the site with a City zoning designation of R-1 and R-2, the Pre-Zoning designations would be consistent with the site’s existing General Plan designations of LDR, LMDR, and MDR, which would remain. As a result, the proposed project would not modify the anticipated use of the Avoca Orchards site. Therefore, the increase in population growth resulting from development of the Avoca Orchards site with residential uses has been previously anticipated by the City, and evaluated in the General Plan EIR, which concluded impacts related to an increase in population associated with buildout of the General Plan would be less than significant.

Based on the above, the proposed project would not induce substantial unplanned population growth in an area, and a **less-than-significant** impact would occur.

- b. One existing single-family residence is currently located on the Pottery World site. However, the one single-family home represents a very small fraction of the existing housing market in the City and surrounding area, and does not represent a substantial number of people or housing. The proposed project does not include any site-specific development plans, designs, or proposals at this time. Thus, implementation of the proposed project would not directly result in the demolition of the on-site residence. However, if future development within the Pottery World site would require the demolition of the existing single-family residence, the assumption can be made that new housing could be found within the City’s existing housing supply. As such, the proposed project would not result in the displacement of a substantial amount of existing housing or people and would not necessitate the construction of replacement housing elsewhere. In addition, as discussed above, the proposed project would require Pre-Zoning of the site with a City zoning designation of R-1 and R-2, which would be consistent with the site’s existing General Plan designations of LDR, LMDR, and MDR. Pre-Zoning of the site with R-1 and

R-2 designations would allow for the development of residential uses on-site, consistent with what was analyzed within the General Plan EIR, and would increase the housing stock within the City. Therefore, **a less-than-significant** impact would occur.

XV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a-e. Within the unincorporated areas of the County, including the project sites, fire protection services are provided by CAL FIRE and U.S. Forest Service; and the Yuba County Sheriff's Department and the California Highway Patrol serve as law enforcement providers. The County includes the Marysville Joint Unified School District, Plumas Lake Elementary School District, and Camptonville Union Elementary School District. Yuba County operates nine local parks and one regional park. Additionally, the Yuba County Library is located at 303 2nd Street in the City of Marysville.

The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly increase demand for public services.

Nonetheless, following annexation, the project sites would be serviced by the City's public service providers. Within the City limits, the Wheatland Fire Authority (WFA) provides fire protection services through a Joint Powers Agency (JPA) comprised of the City of Wheatland and the Plumas Brophy Fire Protection District. Police protection services are provided by the Wheatland Police Department. The Wheatland School District is comprised of two elementary schools, a middle school, and a K-12 charter academy, and the Wheatland Union High School District includes two high schools. Parks and recreational amenities are provided by the City's Recreation Department.

The proposed project would allow for the future development of the Pottery World and Avoca Orchards sites with light industrial and residential uses, respectively. However, as discussed throughout this IS/MND, the proposed project would not modify the anticipated use of the Avoca Orchards site. As such, development of the Avoca Orchards site with residential uses was previously anticipated by the City, and impacts associated with development of the site, including future demand on the City's public services, has been analyzed within the City's General Plan EIR. As discussed therein, with implementation of applicable General Plan policies and payment of the City's development fees, the General Plan EIR concluded that impacts to public services associated with buildout of the General Plan would be less than significant. Because development of the Avoca Orchards site with residential uses was previously anticipated by the City, the only potential for increase in demand from what is already expected and planned for the sites would be associated with future development of the Pottery World Site, due to the proposed General Plan Amendment for that site.

Because future development within the Pottery World site would be industrial in nature, future development of the site would not result in population growth that could result in increased demand on existing schools, parks, or recreational facilities. With regard to fire protection services, the Plumas Brophy Fire Department is located approximately 0.4-mile north of the project site, and the Wheatland Fire Department is located approximately 1.9 miles south of the site. In addition, with regard to police protection services, the City's Police Department headquarters is located approximately two miles south of the project site. Operation of the proposed light industrial uses would not be anticipated to involve activities that would lead to a significant increase in the demand for fire or police protection services from what currently occurs in the project area. Thus, the provision of new or physically altered fire protection or police protection facilities would not be required in order to adequately serve the project.

Any on-site future development would be constructed in accordance with the fire protection requirements of the most recent California Fire Code, which require built-in fire protection such as fire sprinkler systems. Compliance with such would help to reduce initial fire losses and the time required to suppress the fire. In addition, future on-site development would be subject to payment of applicable development impact fees at the time of building permit issuance, including the City's Law Enforcement Facilities Fee, Fire Protection Facilities Fee, General Government Facilities Fee, and Parkland Facilities Fee. Payment of such fees would go towards maintaining service levels and the expansion and/or creation of public services and facilities accordingly. In addition, future development would be subject to payment of school impact fees collected by the Wheatland Elementary School District and the Wheatland High School District. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "[...] legislative or adjudicative act...involving ...the planning, use, or development of real property" (Government Code 65996[b]). Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation."

Based on the above, the proposed project would have a ***less-than-significant*** impact related to the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts.

XVI. RECREATION.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a,b. The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly increase demand for recreational facilities. However, the proposed project would allow for the future development of the Pottery World and Avoca Orchards sites with light industrial and residential uses, respectively.

The standard requirement in the Wheatland General Plan is five acres of parkland per 1,000 residents. Future development of light industrial uses within the Pottery World site would not result in population growth that could result in increased demand on existing recreational facilities or cause the construction or expansion of recreational facilities. While future residential development within the Avoca Orchards site could increase the use of existing neighborhood and regional parks or other recreational facilities, and require the construction or expansion of recreational facilities, as discussed above, development of the Avoca Orchards site with residential uses was previously anticipated by the City, and impacts associated with development of the site, including future demand on the City’s recreational facilities, has been analyzed within the City’s General Plan EIR. In addition, future development would be subject to payment of the City’s Parkland Facilities Fee, which is used to fund the construction of new park and recreation facilities within the City. Furthermore, all future residential development involving subdivision of land is subject to compliance with Section 17.09.090 of the City’s Municipal Code, which requires that as a condition of approval of any final subdivision map, the subdivider dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes. Thus, a **less-than-significant** impact would occur with regard to recreation facilities.

XVII. TRANSPORTATION.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Level of Service (LOS) is still currently used by the City for purposes of determining consistency with adopted General Plan goals and policies related to LOS. However, the law has changed with respect to how transportation-related impacts may be addressed under CEQA. Therefore, pursuant to SB 743, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts, and LOS is no longer used for determining significant impacts under CEQA.

Please refer to Question “b” for a discussion of VMT.

Transit, Pedestrian, and Bicycle Facilities

Transit services are provided to the Wheatland area by Yuba-Sutter Transit. Yuba-Sutter Transit offers regular fixed route service to the communities of Yuba City, Marysville, Olivehurst, and Linda. Limited route deviation service is provided to the Yuba County foothills and to the cities of Live Oak and Wheatland. The Wheatland Route offers two roundtrips into Marysville and Linda on Tuesdays and Thursdays under a reimbursable contract to the City. Transfers to routes serving Sacramento and Yuba City are available. Currently the following five designated stops exist on the Wheatland Route:

- Spruce Avenue/Evergreen Drive;
- SR 65/3rd Street;
- Main Street/C Street;
- Anderson Way/McCurry Street; and
- Donner Trail Manor (121 C Street).

Future development facilitated by the proposed project has the potential to increase demand for transit services within the City. However, Yuba-Sutter Transit would likely scale up services within the City in response to such increases in demand. The proposed project does not include any site-specific development proposals that would conflict with existing transit services at this time.

With regard to pedestrian and bicycle facilities, considering the proposed light industrial land use within the Pottery World site, extensive pedestrian and bicycle transportation is not anticipated to occur, or be warranted, with development of the Pottery World site. In addition, the Avoca Orchards site has been previously anticipated for buildout with residential uses by the City. As such, the City has previously anticipated bicycle and pedestrian improvements necessary to serve the residential uses within the project area,

such as a proposed bicycle lane along SR 65 in the project vicinity, as shown on Figure 9 of the City's Bikeway Master Plan. Furthermore, any future development facilitated by the proposed project within the Pottery World site would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval to ensure development is compatible with the surrounding area and the City of Wheatland's Community Design Standards. Therefore, the proposed project would not conflict with any existing or planned transit, bicycle, or pedestrian facilities, and a less-than-significant impact would occur.

Conclusion

Based on the above, the proposed project would not result in new conflicts with applicable City standards related to roadway, transit, bicycle, or pedestrian facilities. Thus, a **less-than-significant** impact would occur.

- b. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts. However, the City has not yet established any standards or thresholds regarding VMT.

Pursuant to Section 15064.3(3), a lead agency may analyze a project's VMT qualitatively based on the availability of transit, proximity to destinations, etc. While changes to driving conditions that increase LOS times are an important consideration for traffic operations and management, the method of analysis does not fully describe environmental effects associated with fuel consumption, emissions, and public health. Section 15064.3(3) changes the focus of transportation impact analysis in CEQA from measuring impact to drivers to measuring the impact of driving.

The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly result in increased VMT within the project region. However, the proposed project would allow for the future development of the Pottery World and Avoca Orchards sites with light industrial and residential uses, respectively.

Light industrial uses would typically involve the use of heavy trucks; however, an analysis of VMT from heavy truck trips is not required pursuant to SB 743 and the CEQA Guidelines. SB 375 was focused on reducing GHG emissions through changing land use patterns and transportation policy in a way that reduces automobile and light truck use, rather than by reducing the use of heavy trucks for the movement of goods. Based on the above, the legislative intent of SB 743 and the associated CEQA Guidelines Section 15064.3 is to ensure that lead agencies analyze VMT for passenger car and light truck trips related to land use projects. Accordingly, VMT associated with future development of light industrial uses on the Pottery World site would primarily be related to employee trips. As noted previously, many of the employees could reasonably be anticipated to be existing residents of the City of Wheatland. Therefore, the future light industrial development would likely result in a shift in the travel patterns of workers in the region, rather than generation of substantial new regional VMT. Thus, a substantial increase in VMT associated with future employees of the light industrial use would not occur.

Furthermore, while the Avoca Orchards site would require Pre-Zoning of the site with City zoning designations of R-1 and R-2, the Pre-Zoning designations would be consistent with

the site's existing General Plan designations of LDR, LMDR, and MDR, which would remain. As a result, the proposed project would not modify the anticipated use of the Avoca Orchards site, and would not increase VMT at the Avoca Orchards site beyond what would occur pursuant to buildout of the General Plan that has been anticipated by the City.

Based on the above, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and a **less-than-significant** impact would occur.

- c,d. As discussed above, the proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly result in increased traffic hazards or inadequate emergency access.

With regard to future development of the Pottery World and Avoca Orchards sites with light industrial and residential uses, respectively, in accordance with all appropriate provisions within the City of Wheatland General Plan and Municipal Code, intersections and street sections in the project vicinity, as well as within the project sites, would be reviewed by the City of Wheatland and the fire department to ensure the streets are designed to provide adequate emergency access and comply with City standards. In addition, any drive aisles proposed within future on-site parking areas would be required be sufficiently sized to accommodate emergency vehicle access throughout the sites.

Based on the above, the proposed project would not substantially increase hazards due to design features or incompatible uses, or result in inadequate emergency access. Therefore, the project would result in a **less-than-significant** impact.

XVIII. TRIBAL CULTURAL RESOURCES.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly result in a substantial adverse change in the significance of a tribal cultural resource. In addition, future development facilitated by the proposed project would be required to adhere to federal and State regulations associated with protection of tribal cultural resources and implement General Plan goals and policies associated with tribal cultural resources.

However, as discussed in Section V Cultural Resources, of this IS/MND, only a portion of the General Plan study area has been culturally surveyed. As such, unknown significant archeological resources could be disturbed, particularly in areas along springs, creeks, and rivers as ground disturbance occurs in accordance with development of proposed land uses and circulation. In addition, given the project vicinity’s history of Nisenan occupation, ground-disturbing construction activities could inadvertently damage and disturb buried tribal cultural resources.

In compliance with SB 18, project notification letters were distributed on November 21, 2022 to a list of tribes that were identified by the NAHC as being culturally or traditionally affiliated with the project area. In addition, in compliance with AB 52, a project notification letter was distributed to the United Auburn Indian Community of the Auburn Rancheria (UAIC) on November 21, 2022. Responses requesting formal AB 52 or SB 18 consultation have not been received to date.

Based on the above, the possibility exists that construction of future on-site development facilitated by the proposed project could result in a substantial adverse change in the significance of a tribal cultural resource if previously unknown tribal cultural resources are uncovered during grading or other ground-disturbing activities. Thus, a **potentially significant** impact to tribal cultural resources could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

XVIII-1 *Prior to initiation of construction, all construction crew members, consultants, and other personnel involved in project implementation shall receive project-specific tribal cultural resource awareness training. The training shall be conducted in coordination with qualified cultural resource specialists and representatives from culturally affiliated Native American Tribes. The training will emphasize the requirement for confidentiality and culturally appropriate, respectful treatment of any find of significance to culturally affiliated Native Americans Tribes. All personnel required to receive the training shall also be required to sign a form that acknowledges receipt of the training, which shall be submitted to the City of Wheatland Community Development Department for review and approval.*

As a component of the training, a brochure will be distributed to all personnel associated with project implementation. At a minimum the brochure shall discuss the following topics in clear and straightforward language:

- *Field indicators of potential archaeological or cultural resources (i.e., what to look for; for example: archaeological artifacts, exotic or non-native rock, unusually large amounts of shell or bone, significant soil color variation, etc.);*
- *Regulations governing archaeological resources and tribal cultural resources;*
- *Consequences of disregarding or violating laws protecting archaeological or tribal cultural resources; and*
- *Steps to take if a worker encounters a possible resource.*

The training shall include project-specific guidance for on-site personnel including agreed upon protocols for resource avoidance, when to stop work, and who to contact if potential archaeological or tribal cultural resources are identified. The training shall also direct work to stop, and contact with the County Coroner and the NAHC to occur immediately, in the event that potential human remains are identified. NAHC will assign a Most Likely Descendant if the remains are determined by the Coroner to be Native American in origin.

XVIII-2 *The following language shall be noted on project Improvement Plans, subject to review and approval by the City of Wheatland Community Development Department, and shall be implemented during project construction:*

If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered during construction activities, all work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources). Examples of potential cultural materials include midden

soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.

A qualified cultural resources specialist and Native American Representative from the traditionally and culturally affiliated Native American Tribe(s) will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities by Tribal representatives of the traditionally and culturally affiliated Native American Tribe, and/or returning objects to a location within the project area where they will not be subject to future impacts. The UAIC does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless specifically requested by the Tribe.

If articulated or disarticulated human remains are discovered during construction activities, the County Coroner and Native American Heritage Commission shall be contacted immediately. Upon determination by the County Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendant(s) who will work with the project proponent to define appropriate treatment and disposition of the burials.

Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist and the Native American Representative will be documented in the project record. Any recommendations made by these experts that are not implemented, must be documented and explained in the project record. Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the City of Wheatland Community Development Department following coordination with cultural resources experts and tribal representatives as appropriate.

XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development proposals at this time. Thus, the proposed project would not directly result in the relocation or construction of new or expanded utilities.

Future development facilitated by the proposed project would connect to the City's existing utility lines in the project area. All proposed infrastructure would be sized and designed in accordance with all applicable local standards and regulations. Physical impacts associated with installation of such infrastructure are addressed throughout this IS/MND. In addition, the proposed project would not modify the anticipated use of the Avoca Orchards site. As such, development of the Avoca Orchards site with residential uses was previously anticipated by the City, and impacts associated with development of the site, including future demand on the City's utility systems, has been analyzed within the City's General Plan EIR. As discussed therein, with implementation of applicable General Plan policies, the General Plan EIR concluded that impacts to utilities and service systems associated with buildout of the General Plan would be less than significant. While the proposed project would result in the future development of light industrial uses on the Pottery World site, operation of the proposed light industrial uses would be typical of other light industrial uses that currently exist within the City of Wheatland, and would not be anticipated to involve activities that would require or result in the relocation or construction of new or expanded utilities beyond what was anticipated and analyzed within this IS/MND.

In addition, according to Chapter 3.26 of the Municipal Code, Development Impact Fees are imposed on new development within the City, and used for acquisition, installation,

and construction of public facilities. Development Impact Fees can include, but are not limited to, storm drainage development, water development, wastewater collection development, and wastewater treatment development fees. Furthermore, future development proposals would be reviewed by the appropriate service agencies as part of the development application review process in order to ensure that sufficient capacity would be available to maintain desired service levels.

Based on the above, the proposed project would result in a ***less-than-significant*** impact related to the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

- b. Water supplies within the City of Wheatland are provided solely through groundwater sources; specifically, the South Yuba Subbasin. According to the Yuba Subbasins GSP, regional groundwater quality in the Yuba Subbasins is considered good to excellent for municipal, domestic, and agricultural uses and does not have a significant adverse impact on the beneficial uses of groundwater in the subbasins. In addition, groundwater extraction in the Yuba Subbasins does not exceed sustainable yield. The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development proposals at this time. Thus, the proposed project would not directly result in the use of groundwater. According to the Yuba Subbasins GSP, while groundwater pumping may exceed sustainable yield during certain years, reduced pumping in other years generally ensures that the long-term average remains at or below the sustainable yield. Generally, the City has found that water supply is not a limiting factor for new development.

In addition, as discussed above, Chapter 3.26 of the Municipal Code requires that Development Impact Fees are imposed on new development within the City, and used for acquisition, installation, and construction of public facilities. Payment of fees would help to ensure that sufficient water supplies are available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

As discussed above, the proposed project would not modify the anticipated use of the Avoca Orchards site. As such, development of the Avoca Orchards site with residential uses was previously anticipated by the City, and impacts associated with development of the site, including future demand on the City's water supply, has been analyzed within the City's General Plan EIR. As discussed therein, with implementation of applicable General Plan policies and mitigation measures included in the General Plan EIR, the General Plan EIR concluded that impacts to the City's water supply associated with buildout of the General Plan would be less than significant. Because development of the Avoca Orchards site with residential uses was previously anticipated by the City, the only potential for increase in water demand from what is already expected and planned for the sites would be associated with future development of the Pottery World site.

The proposed project could result in the future development of a maximum of 653,400 sf of light industrial uses within the Pottery World site. Given that site-specific development plans, designs, or proposals have not been prepared for the Pottery World site, the potential exists that future on-site development could result in the generation of a substantial increase in water demand, as sufficient water supplies cannot be ensured for the future development of the Pottery World site.

Based on the above, a **potentially significant** impact could occur related to the City's ability to have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

XIX-1 In conjunction with the submittal of improvements plans for any development within the Pottery World site, a Water Supply Verification (SB 221) shall be conducted to ensure that sufficient water supply needed for the project is available and can be provided by the City. The Water Supply Verification showing adequate supply for the Pottery World portion of the project shall be submitted to the City's Community Development Department for review and approval.

- c. The City of Wheatland Public Works Department currently operates the City's sanitary sewer collection and Wastewater Treatment Plant (WWTP) system. Waste Discharge Requirements (WDRs) issued by the California Regional Water Quality Control Board-Central Valley Region (RWQCB) permit the WWTP to discharge an average dry weather flow (ADWF) of 0.62 mgd. Currently, the City generates average dry weather flow of 0.35 MGD. The existing WWTP is designed to treat wastewater at a secondary level, which is not consistent with the current State standards of tertiary treatment. In addition, the WWTPs infiltration basins are subject to flood damage, and the plant suffers from a lack of redundancy, sludge drying bed constraints, and general repair needs.

Over the past 15 years, the City and several local agencies, including Olivehurst Public Utility District (OPUD), Linda County Water District (LCWD), Beale Air Force Base (Beale), and the City of Lincoln, have participated in several efforts exploring options for a regional wastewater conveyance, treatment, and disposal/reuse system for South Yuba County. Based on studies conducted to evaluate all of the City's wastewater treatment and disposal alternatives, the City is currently proposing to update the sanitary sewer collection and WWTP system. The proposed system update would include the construction of an approximately eight-mile pipeline and three associated pump stations to convey all current and future wastewater into a regional sewer system serving south Yuba County. The proposed pipeline would connect to OPUD's force main (currently under design) near Rancho Road and SR 65. OPUD would convey the flow to OPUD's WWTP, where the flows would be treated to a tertiary level and discharged into a tributary to the Feather River. After construction of the pipeline and pump stations, the City's existing WWTP is anticipated to be decommissioned, though the possibility exists for the WWTP to remain in operation for an interim period. The proposed sewer pipeline that would connect to OPUD's WWTP is designed to accommodate 1.5 MGD average dry weather flow from the City of Wheatland. The proposed update to the City's sanitary sewer collection and WWTP system is currently undergoing environmental review.

The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any specific development proposals at this time. Thus, the proposed project would not directly result in the need for sanitary sewer service. Furthermore, future development on-site would be

subject to payment of the City's development fees which are used to fund the acquisition, installation, and construction of public facilities, including the City's sewer system.

With regard to future residential use on the Avoca Orchards site, the proposed project would not modify the anticipated use of the site. As such, development of the Avoca Orchards site with residential uses, and associated wastewater generation, was generally anticipated by the City, and impacts associated with development of the site have been analyzed within the City's General Plan EIR, which concluded that buildout of the General Plan would have a less-than-significant impact on wastewater facilities within the City. Because development of the Avoca Orchards site with residential uses was previously anticipated by the City, the only potential for increase in wastewater demand from what is already expected and planned for the sites would be associated with future development of the Pottery World site.

As discussed above, the proposed project would include a General Plan Amendment for the Pottery World site, which could result in the future development of a maximum of 653,400 sf of light industrial uses on-site. Given that site-specific development plans, designs, or proposals have not been prepared for the Pottery World site, the potential exists that future on-site development could result in the generation of a substantial increase in wastewater such that sufficient capacity does not exist at the City's WWTP to serve the project.

Based on the above, future development on the Pottery World site could result in determination by the City's wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, a **potentially significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

XIX-2 In conjunction with the submittal of improvements plans for any development within the Pottery World site, the City Engineer shall confirm that adequate wastewater treatment and sewer collection system capacity exists to accommodate the project. Verification showing adequate capacity for the Pottery World portion of the project shall be submitted to the City's Community Development Department for review and approval.

- d,e. The City of Wheatland is served by the Recology Ostrom Road Landfill. The Recology Ostrom Road Landfill has a maximum permitted daily throughput of 3,000 tons, with a remaining capacity of 39,223,000 cubic yards (approximately 90 percent of the maximum permitted capacity of 43,467,231 cubic yards). The anticipated closure date for the landfill is 2066.¹²

The proposed project consists of the annexation and Pre-Zoning of both project sites, and a General Plan Amendment for the Pottery World site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation

¹² CalRecycle. *SWIS Facility/Site Activity Details, Recology Ostrom Road LF Inc. (58-AA-0011)*. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/733?siteID=4075>. Accessed December 2022.

of the proposed project would not directly result in the generation of solid waste. In addition, due to the substantial amount of available capacity remaining at the landfill serving the City, sufficient capacity is anticipated to be available to accommodate the solid waste disposal needs of any future on-site development. Furthermore, pursuant to the CALGreen Code, at least 65 percent diversion of construction waste is required for projects permitted after January 1, 2017.

Therefore, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Thus, a **less-than-significant** impact related to solid waste would occur as a result of the proposed project.

XX. WILDFIRE.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a-d. According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program, the project sites are not located within or adjacent to an SRA, or any Very High Fire Hazard Severity Zones.¹³ In addition, according to the City’s General Plan EIR, the agricultural areas on the valley floor are the least fire-prone areas of the County, due to the presence of croplands, orchards, and irrigation. The relatively flat terrain of the proposed study area also makes the danger of wildland fires less hazardous. As wildland fires resulting from either natural or manmade causes occur in forest, brush, or grasslands, Wheatland is among the most fire secure areas in Yuba County. Furthermore, while not located in an area of high wildfire risk, future development occurring pursuant to the proposed project would include fire sprinklers, as required by State law. Therefore, the proposed project would not be expected to be subject to or result in substantial adverse effects related to wildfires, and a **less-than-significant** impact would occur.

¹³ California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed December 2022.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a. The proposed project does not include any specific development proposals at this time, and would not have the potential to degrade the quality of the environment. Additionally, as discussed in Section IV, Biological Resources, of this IS/MND, while the potential exists for special-status species to occur within the project sites, Mitigation Measure IV-1 would ensure that impacts to special-status species associated with any future development facilitated by the proposed project would be less than significant. In addition, while the potential exists for the project sites to contain previously undiscovered archaeological resources, Mitigation Measures V-1 and V-2 would ensure that in the event that historic or prehistoric resources are discovered within the sites during any future construction activities, including the off-site extension of any necessary utilities, such resources are protected in compliance with the requirements of CEQA.

Considering the above, the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce or impact the habitat of fish or wildlife species; 3) cause fish or wildlife populations to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history or prehistory. Therefore, a **less-than-significant** impact would occur.

b. The proposed project in conjunction with other development within the City of Wheatland could incrementally contribute to cumulative impacts in the area. However, as demonstrated in this IS/MND, all potential environmental impacts that could occur as a result of project implementation would be reduced to a less-than-significant level through compliance with the mitigation measures included in this IS/MND, as well as applicable General Plan policies, Municipal Code standards, and other applicable local and State regulations. Therefore, when viewed in conjunction with other closely related past, present, or reasonably foreseeable future projects, the proposed project would not result in a cumulatively considerable contribution to cumulative impacts in the City of Wheatland,

and the project's incremental contribution to cumulative impacts would be ***less than significant***.

- c. As described in this IS/MND, future development facilitated by approval of the proposed project would comply with all applicable General Plan policies, Municipal Code standards, applicable local and State regulations, and mitigation measures included herein. In addition, as discussed in the Air Quality, Geology and Soils, Hazards and Hazardous Materials, Greenhouse Gas Emissions, and Noise sections of this IS/MND, the proposed project would not cause substantial effects to human beings, which cannot be mitigated to less-than-significant levels, including effects related to exposure to air pollutants, geologic hazards, GHG emissions, hazardous materials, and excessive noise. Therefore, the proposed project's impact would be ***less than significant***.

Exhibit B

Pottery World / Avoca Orchards Project

Mitigation Monitoring Program

Pottery World/ Avoca Orchards Project Mitigation Monitoring Program

– March 2023

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Pottery World/Avoca Orchards Project are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
Air Quality					
III. (a-c.)	Would the project conflict with or obstruct implementation of the applicable air quality plan; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or expose sensitive receptors to substantial pollutant concentrations?	<i>III-1. Prior to approval of any improvement plans for future development within the project sites, a detailed air quality analysis shall be conducted to determine the emissions associated with all activities related to the development (e.g., demolition and removal of all trees and structures, construction, operations, etc.). The analysis shall be completed in accordance with the FRAQMD's Indirect Source Review Guidelines and shall present the modeled emissions in comparison to the FRAQMD thresholds of significance in place at the time of preparation. If the modeled emissions are below the applicable FRAQMD thresholds of significance, then further mitigation is not required. If the modeled emissions exceed the FRAQMD thresholds, then the air quality analysis shall include recommendations sufficient to reduce the emissions to below the applicable FRAQMD thresholds of significance and provide evidence of the reduction through calculations. Acceptable options for reducing emissions may include, but are not limited to, the use of late model</i>	City of Wheatland Community Development Department	Prior to approval of any improvement plans	

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The air quality analysis shall be submitted to the City of Wheatland Community Development Department for review and approval.</i>			
Biological Resources					
IV. (a.)	Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<p><i>IV-1. Prior to the commencement of ground-disturbing activities, including any tree removal, associated with any future development within the project sites, a Biological Resources Assessment (BRA) shall be prepared to determine the potential biological sensitivities associated with the development. The BRA shall include (but not be limited to) the following:</i></p> <ul style="list-style-type: none"> <i>• A review of existing biological information in the region and any documentation specific to the area (i.e., aerial photography and any documentation of projects in the vicinity of the site);</i> <i>• A query of the CDFW CNDDDB, USFWS Species List, and CNPS Inventory of Rare and Endangered Plants for potentially occurring</i> 	City of Wheatland Community Development Department	Prior to the commencement of ground disturbing activities	

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>special-status species in the vicinity of the project site;</i></p> <ul style="list-style-type: none"> • <i>Protocol-level reconnaissance pedestrian field survey(s) to assess the on-site biological resources/constraints, including a delineation of aquatic resources;</i> • <i>A summary of the findings including data on special-status species, jurisdictional waters of the U.S., sensitive natural communities, and wildlife habitat movement corridors; and</i> • <i>If necessary, mitigation measures that are consistent with applicable federal, State, and local regulations that reduce identified potential impacts to protected biological resources to the extent feasible.</i> <p><i>All recommendations and mitigation measures included in the BRA shall be implemented as part of the future development proposals associated with the project sites. The BRA shall be submitted to the City of Wheatland Community Development Department for review and approval.</i></p>			

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>IV-2. Implement Mitigation Measure IV-1</i>	See Mitigation Measure IV-1	See Mitigation Measure IV-1	
		<i>IV-3. Implement Mitigation Measure IV-1</i>	See Mitigation Measure IV-1	See Mitigation Measure IV-1	
Cultural Resources					
V. (a.)	Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<p><i>V-1. Prior to demolition of any on-site buildings associated with any future development within the project sites, a qualified architectural historian, as approved by the City of Wheatland Community Development Department, shall evaluate the project sites and the on-site structures for listing qualification, pursuant to CRHR and NRHP criteria. If the on-site buildings do not qualify for protection, further mitigation is not required.</i></p> <p><i>If the on-site buildings meet the CRHR or NRHP criteria, then the structures shall be properly documented prior to their demolition. The documentation shall, at a minimum, consist of a report documenting the historical context with descriptive narrative</i></p>	City of Wheatland Community Development Department	Prior to demolition of any on-site buildings	

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>of the resource, and an update of the resource's Department of Parks and Recreation form 523 record. The photo-documentation shall capture the form, materials, design, and setting of the buildings to preserve those characteristics that justify their CRHR eligibility. If building relocation is pursued, the photo-documentation shall include views of the resources in their new locations, with an emphasis on the context and architectural setting of their new surroundings. The photo-documentation shall be prepared in concert with a historical context statement and narrative description of the buildings to place the properties in their architectural and historical context. The documentation package shall be distributed to the NCIC, the City of Wheatland Historical Society, the City of Wheatland, the Yuba-Sutter Chamber of Commerce, and, for the purposes of public outreach, the Yuba County Library.</i></p> <p><i>Proof of compliance with the foregoing measure shall be submitted to the City of Wheatland Community Development Department for review and approval.</i></p>			

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>V-2</p> <p><i>The following requirements shall be included through a notation on all project improvement plans prior to the issuance of grading permits and shall be implemented during project construction, to the satisfaction of the City Engineer:</i></p> <p><i>In the event subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for precontact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</i></p> <ul style="list-style-type: none"> <i>• If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required.</i> <i>• If the professional archaeologist</i> 	See Mitigation Measure V-1	The following requirements shall be included through a notation on all project improvement plans	

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City of Wheatland and applicable landowner. The Office of Historic Preservation (OHP) shall be consulted on a finding of eligibility and appropriate treatment measures shall be implemented, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Appropriate treatment measures that preserve or restore the character and integrity of a find may be, but are not limited to, processing materials for reburial, minimizing handling of historical objects, leaving objects in place within the landscape, construction monitoring of further construction activities, and/or returning objects to a location within the project area where they will not be subject to future impacts. Work shall not resume within the no-work radius until the determination is made through consultation, as appropriate, that the site either: 1) is not a historical</i></p>			

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction.</i></p> <ul style="list-style-type: none"> <i>If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the City of Wheatland and the Yuba County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner shall notify the NAHC, which then shall designate a Native American Most Likely Descendant (MLD) for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the</i> 			

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POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate (Section 5097.94 of the PRC). If an agreement is not reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate information center, using an open space or conservation zoning designation or easement, or recording a reinternment document with Yuba County (AB 2641). Work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.</i></p>			
Geology and Soils					
VII. (a i-iv,c)	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a	VII-1. <i>Should paleontological resources be discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find. The City of</i>	City of Wheatland Community Development	Should paleontological resources be discovered	

**MITIGATION MONITORING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	<p>known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault; ii. Strong seismic ground shaking; iii. Seismic-related ground failure, including liquefaction; iv. Landslides; or be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p>	<p><i>Wheatland Community Development Department shall be notified and a qualified paleontologist shall be retained to inspect the discovery. If deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology [UCMP]), where the discovery would be properly curated and preserved for the benefit of current and future generations. Construction may continue in areas outside of the buffer zone. The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement plans approved by the City of Wheatland Community Development Department for the proposed project, where ground-disturbing work would be required.</i></p>	<p>Department</p>	<p>during ground-disturbing activities</p>	
Hazards and Hazardous Materials					

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
IX. (a,b)	Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<p><i>IX-1. In conjunction with the approval of any improvement plans associated with future development on the project sites, the project applicant shall prepare a soil assessment with surficial soil samples to determine the presence of pesticides. If pesticide concentrations higher than the allowable threshold are detected, the assessment shall include appropriate measures to address the contaminated soil, including, but not limited to, removal and disposal of the contaminated soil in accordance with federal, State, and local regulations or soil remediation to an acceptable total threshold limit concentration (TTL) level pursuant to applicable State and federal regulations. The soil assessment and recommended measures shall be reviewed and approved by the City Engineer.</i></p> <p><i>IX-2. Prior to issuance of a demolition permit by the City for any on-site structures, the project applicant shall provide a site assessment that determines whether any structures to be demolished contain lead-based paint, asbestos, PCB-containing caulk, mercury, or other hazardous</i></p>	<p>City of Wheatland Engineering and Surveying Division, City Engineer</p> <p>See Mitigation Measure IX-1</p>	<p>In conjunction with the approval of any improvement plans</p> <p>Prior to issuance of a demolition permit</p>	

**MITIGATION MONITORING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>substances. If structures do not contain any hazardous substances, further mitigation is not required.</i></p> <p><i>If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead.</i></p> <p><i>If any structures contain asbestos, PCB-containing caulk, mercury, or other hazardous substance, the applicant for the demolition permit shall prepare and implement an abatement plan consistent with federal, State, and local standards, subject to approval by the City Engineer.</i></p> <p><i>The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste in accordance with federal, State, and local regulations subject to approval of the City Engineer.</i></p>			

**MITIGATION MONITORING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
Hydrology and Water Quality					
X. (a, b, e c i-iv)	Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan; or substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i. result in substantial erosion or siltation on- or off-site; ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	X-1 <i>Prior to issuance of building permits for future development within the project sites, a Hydrology Study must be submitted to the City Engineer demonstrating the project's compliance with all relevant sections of the City's Municipal Code and applicable federal standards (such as those established by FEMA). Compliance with FEMA standards may include obtaining a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area, if required. A copy of the letter shall be provided to the Engineering and Surveying Division. A Letter of Map Revision (LOMR), or a Letter of Map Revision based on Fill (LOMR-F) from FEMA shall be submitted to the City's Engineer prior to acceptance of project improvements as complete.</i>	City of Wheatland Engineering and Surveying Division, City Engineer	Prior to issuance of building permits for future developments	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	impede or redirect flood flows?				
Noise					
XIII. (a)	Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<i>XIII-1 Prior to the approval of grading permits for any future development on the Pottery World site, a project-level noise assessment shall be prepared by a qualified acoustic engineer demonstrating that the proposed development would meet the applicable City of Wheatland exterior noise standards, and, if necessary, provide recommended mitigation measures, that may include, but shall not be limited to, the use of sound walls or other noise reducing measures at the project site. The noise assessment shall be submitted to the City of Wheatland Community Development Department for review and approval, and the recommendations shall be shown on all project plans, subject to review and approval by the City Engineer.</i>	City of Wheatland Community Development Department and City of Wheatland Engineering and Surveying Division, City Engineer	Prior to the arrival of grading permits for any future development	
Tribal Cultural Resources					
XVIII. (a, b)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either	<i>XVIII-1 Prior to initiation of construction, all construction crew members, consultants, and other personnel involved in project implementation shall receive project-</i>	City of Wheatland Community Development	Prior to initiation of construction	

**MITIGATION MONITORING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	<p>a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?</p>	<p><i>specific tribal cultural resource awareness training. The training shall be conducted in coordination with qualified cultural resource specialists and representatives from culturally affiliated Native American Tribes. The training will emphasize the requirement for confidentiality and culturally appropriate, respectful treatment of any find of significance to culturally affiliated Native Americans Tribes. All personnel required to receive the training shall also be required to sign a form that acknowledges receipt of the training, which shall be submitted to the City of Wheatland Community Development Department for review and approval.</i></p> <p><i>As a component of the training, a brochure will be distributed to all personnel associated with project implementation. At a minimum the brochure shall discuss the following topics in clear and straightforward language:</i></p> <ul style="list-style-type: none"> • <i>Field indicators of potential archaeological or cultural resources (i.e., what to look for; for example: archaeological artifacts, exotic or</i> 	Department		

**MITIGATION MONITORING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>non-native rock, unusually large amounts of shell or bone, significant soil color variation, etc.);</i></p> <ul style="list-style-type: none"> • <i>Regulations governing archaeological resources and tribal cultural resources;</i> • <i>Consequences of disregarding or violating laws protecting archaeological or tribal cultural resources; and</i> • <i>Steps to take if a worker encounters a possible resource.</i> <p><i>The training shall include project-specific guidance for on-site personnel including agreed upon protocols for resource avoidance, when to stop work, and who to contact if potential archaeological or tribal cultural resources are identified. The training shall also direct work to stop, and contact with the County Coroner and the NAHC to occur immediately, in the event that potential human remains are identified. NAHC will assign a Most Likely Descendant if the remains are determined by the Coroner to be Native American in origin.</i></p>			

**MITIGATION MONITORING PROGRAM
POTTERY WORLD/AVOCA ORCHARDS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>XVIII-2 The following language shall be noted on project Improvement Plans, subject to review and approval by the City of Wheatland Community Development Department, and shall be implemented during project construction:</i></p> <p><i>If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered during construction activities, all work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources). Examples of potential cultural materials include midden soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.</i></p> <p><i>A qualified cultural resources specialist and Native American Representative from the traditionally and culturally affiliated Native American Tribe(s) will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment that preserves or</i></p>	See Mitigation Measure XVIII-1	The following language shall be noted on project Improvement Plans	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>restores the cultural character and integrity of a tribal cultural resource may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities by Tribal representatives of the traditionally and culturally affiliated Native American Tribe, and/or returning objects to a location within the project area where they will not be subject to future impacts. The UAIC does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless specifically requested by the Tribe.</i></p> <p><i>If articulated or disarticulated human remains are discovered during construction activities, the County Coroner and Native American Heritage Commission shall be contacted immediately. Upon determination by the County Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendant(s) who will work with the project proponent to</i></p>			

**MITIGATION MONITORING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>define appropriate treatment and disposition of the burials.</i></p> <p><i>Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist and the Native American Representative will be documented in the project record. Any recommendations made by these experts that are not implemented, must be documented and explained in the project record. Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the City of Wheatland Community Development Department following coordination with cultural resources experts and tribal representatives as appropriate.</i></p>			
Utilities and Service Systems					

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
XIX. (a,b)	Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<p><i>XIX-1 In conjunction with the submittal of improvements plans for any development within the Pottery World site, a Water Supply Verification (SB 221) shall be conducted to ensure that sufficient water supply needed for the project is available and can be provided by the City. The Water Supply Verification showing adequate supply for the Pottery World portion of the project shall be submitted to the City's Community Development Department for review and approval.</i></p> <p><i>XIX-2 In conjunction with the submittal of improvements plans for any development within the Pottery World site, the City Engineer shall confirm that adequate wastewater treatment and sewer collection system capacity exists to accommodate the project. Verification showing adequate capacity for the Pottery World portion of the project shall be submitted to the City's Community Development Department for review and approval.</i></p>	<p>City of Wheatland Community Development Department</p> <p>See Mitigation Measure XIX-1</p>	<p>In conjunction with the submittal of improvement plans</p> <p>See Mitigation Measure XIX-1</p>	

Exhibit C

Pottery World / Avoca Orchards Project

Errata Sheet

POTTERY WORLD/AVOCA ORCHARDS PROJECT ERRATA SHEET

INTRODUCTION

This errata sheet presents, in ~~strike-through~~ and double-underline format, the revisions to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Pottery World/Avoca Orchards Project (proposed project). The revisions to the IS/MND reflected in this errata sheet are staff-initiated changes to provide clarification and do not affect the adequacy of the previous environmental analysis contained in the IS/MND. Because the changes presented below would not result in any new significant impacts or a substantial increase in the severity of an environmental impact identified in the IS/MND, recirculation of the IS/MND is not required.

CHANGES TO THE IS/MND

Figure 2, on page 9 of the IS/MND, is replaced with the figure shown at the end of this Errata Sheet.

The description of the Avoca Orchards project site, on page 10 of the IS/MND, is hereby revised as follows:

Currently, the approximately 110-acre project site, identified by APNs 015-100-061, -084 and -089, is predominantly planted with orchards. In addition, a maintenance yard and associated building are located in the western portion of the site. A portion of Dry Creek is located along the northern boundary of the Avoca Orchards site, just north of Levee Road, ~~and Grasshopper Slough runs through the central portion of the site.~~ Surrounding existing uses include the agricultural land to the north; agricultural land and single-family residences to the east; and agricultural land and rural residences to the west and south. Although the project site is located outside of, and directly west of, the Wheatland City limits, the project site is included in the City of Wheatland General Plan and SOI. The City of Wheatland General Plan designates the site as LDR, LMDR, and MDR. Because the project site is not within the City of Wheatland, the site does not have a City zoning designation. The Yuba County General Plan designates the site as Natural Resources and the site is zoned AE-40 by the County.

Section IV, Biological Resources, on page 10 of the IS/MND, is hereby revised as follows:

Currently, both the Pottery World site and the Avoca Orchards site are primarily planted with orchards. An existing single-family residence and three associated outbuildings are located in the northeast portion of the Pottery World site, and a maintenance yard and associated building are located in the western portion of the Avoca Orchards site. In addition, a portion of Dry Creek is located along the northern boundary of the Avoca Orchards site, just north of Levee Road, ~~and Grasshopper Slough runs through the central portion of the Avoca Orchards site.~~

Section IV, Biological Resources, on page 24 of the IS/MND, regarding valley elderberry longhorn beetle (VELB), is hereby revised as follows:

The history of site disturbance associated with agricultural operations decreases the likelihood of elderberry shrubs to be present at the sites. However, while unlikely,

elderberry shrubs could occur within the on-site riparian area associated with Dry Creek ~~and Grasshopper Slough~~. Because the proposed project does not include any site-specific development plans, designs, or proposals at this time, potential disturbance areas on-site are currently unknown, and potential impacts to VELB could occur if future development would disturb any occupied elderberry shrubs. Therefore, protocol-level surveys would be required to confirm the presence or absence of elderberry shrubs within the project sites prior to any ground disturbance associated with future development. Without completion of the aforementioned surveys, future development facilitated by the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on VELB.

Section IV, Biological Resources, on page 25 of the IS/MND, regarding tricolored blackbird, is hereby revised as follows:

The closest known CNDDDB record for the species is located 2.8 miles from the project sites. However, potential nesting habitat for tricolored blackbird associated with Dry Creek ~~and Grasshopper Slough~~ is within and adjacent to the project sites. Therefore, protocol-level surveys would be required to confirm the presence or absence of tricolored blackbird within the project sites prior to any ground disturbance associated with future development. Without the completion of the aforementioned surveys, future development facilitated by the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on tricolored blackbird.

Section IV, Biological Resources, on page 26 of the IS/MND, regarding riparian habitats or another sensitive natural communities, is hereby revised as follows:

b,c. As discussed above, a portion of Dry Creek is located along the northern boundary of the Avoca Orchards site, just north of Levee Road, ~~and Grasshopper Slough runs through the central portion of the site~~. Because the proposed project does not include any site-specific development plans, designs, or proposals at this time, potential disturbance areas on-site are currently unknown. As such, the potential exists for future buildout of the project sites to disturb Dry Creek ~~and Grasshopper Slough~~, and the associated riparian habitat located on-site. In addition, absent the completion of a protocol-level Aquatic Resources Delineation to determine the presence or absence of on-site wetlands, the potential exists for future development to disturb State- and/or federally protected wetlands within the project site. Therefore, future development facilitated by the proposed project could have a substantial adverse effect on riparian habitat or another sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS, or on State- and federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.). Thus, a **potentially significant** impact could occur.

Section IV, Biological Resources, on page 27 of the IS/MND, regarding migratory wildlife corridors, is hereby revised as follows:

Existing uses within the project vicinity include the Plumes Brophy Fire Department and agricultural land to the north; agricultural land, rural residences, and single-family residences to the east and west; and agricultural land to the south. SR 65 and UPRR tracks bound the Pottery World project site to the east, and would essentially block any movement from those directions. Further, the existing orchards and other agricultural uses in the project vicinity would result in regular disturbance during maintenance and cultivation activities. Thus, the project sites are not anticipated to support a substantial wildlife movement corridor. However, portions of Dry Creek ~~and Grasshopper Slough~~ are located within the Avoca Orchards site. Thus, without an on-site preconstruction survey, the absence of wildlife movement corridors and nursery sites on-site cannot be confirmed.

While development is not currently proposed within the project sites, any future development within the area could result in impacts to wildlife movement corridors and nursery sites.

The above changes are for clarification purposes only and do not alter the conclusions of the IS/MND.

Figure 2
Project Site Boundaries Map (Revised)



NOTICE OF DETERMINATION

ENDORSED FILED

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: Lead Agency
City of Wheatland
111 C Street
Wheatland, CA 95692

MAY 23 2023

To: County Clerk
Yuba County

BY DONNA HILLEGASS, Clerk
NELIDA WILLIAMS
Deputy Clerk

915 8th St., Marysville, CA 95901
STATE CLEARINGHOUSE NUMBER: 2023020473

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

Project Title: Pottery World/Avoca Orchards Project

Project Applicant: Pottery World Site: Avoca Orchards Site:
James Rodda Peter Meier
4419 Granite Drive 30 Theresa Court
Rocklin, CA 95677 Novato, CA 94947
(916) 416-6806 (415) 699-1608
jrodda@potteryworld.com Novatomeier@comcast.net

Contact Person: Tim Raney, Community Development Director, City of Wheatland, 111 C Street, Wheatland, CA 95692

Project Location: The project area consists of two project sites: the approximately 30-acre Pottery World project site identified by Assessor's Parcel Number (APN) 015-100-053 and the approximately 110-acre Avoca Orchards project site identified by APNs 015-100-061, -084 and -089. The project area is located on the west side of State Route (SR) 65, north of the City of Wheatland. Both sites consist of orchards, and an existing single-family residence and three associated outbuildings are located on the Pottery World site, and a maintenance yard and associated building are located on the Avoca Orchards site.

Project Description: The Pottery World/Avoca Orchards Project (proposed project) consists of the annexation of approximately 140 acres into the City of Wheatland. The proposed project currently does not include any proposed development. On May 9, 2023, the Wheatland City Council has approved the following entitlements:
• Adoption of the IS/IMND and Mitigation Monitoring and Reporting Program;
• Annexation Resolution;
• General Plan Amendment from Urban Reserve (UR) to Employment (E); and
• Pre-Zone of the Pottery World site to M-1; and
• Pre-Zone of the Avoca Orchards site to R-1 and R-2.

The City of Wheatland has made the following determinations regarding the above-described project:

- 1. The project [] will [x] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA. (Public Resources Code, § 21000 et seq.)
[x] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [x] were [] were not made a condition of the approval of the project.
4. A statement of Overriding Considerations [] was [x] was not adopted for this project.
5. Findings [x] were [] were not made pursuant to the provisions of CEQA Guidelines Section 15091.

This is to certify that the IS/MND and record of project approval is available to the General Public at the City of Wheatland, 111 C Street, Wheatland, CA 95692.

Signature (Public Agency)

Community Development Director
Title

5-16-23
Date

Date Received for Filing and Posting at OPR:



<p>Date: May 21, 2024</p> <p>To: Local Agency Formation Commission Members and Alternate Members</p> <p>From: Kenneth Leary, Committee Chair CALAFCO Board Election Committee CALAFCO Board of Directors</p> <p>RE: Nomination Period Now Open for 2024/2025 CALAFCO Board of Directors</p>	
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The Nomination Period is now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION	SOUTHERN REGION
County Member	County Member	City Member	City Member
District Member	District Member	Public Member	Public Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

MONDAY, SEPTEMBER 16, 2024

<p><i>Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year, generally virtually. However, strategic plan retreats and other meetings may be scheduled in-person and will alternate around the state. A job description is attached that more fully discusses director responsibilities and time commitment.</i></p>	<p><i>Board terms span a two-year period, with no term limits, and any LAFCO commissioner or alternate commissioner is eligible to run for a Board seat.</i></p> <p><i>Elections will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 17, 2024 at the Tenaya Lodge in Fish Camp, California.</i></p>
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Should your Commission nominate a candidate, please return the completed Nomination Form and Candidate’s Résumé Form by the deadline. Completed nomination forms and all materials must be RECEIVED by CALAFCO by the deadline.

Electronic filing of nomination forms is ***highly encouraged*** to facilitate the recruitment process. Please email to info@calafco.org. However, hard copy forms and materials may also be mailed to:

Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1451 River Park Drive, Suite 185
Sacramento, CA 95815

Complete nominations received by the September 16th deadline will be included in the Election Committee’s Report that will be distributed to LAFCO members. Candidate names will be listed in the report, and on the ballot, in the order nominations are received. The Election Committee Report will be distributed no later than October 3, 2024, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCOs who cannot send a representative to the Annual Meeting, an electronic ballot will be made available *if requested in advance*. **Ballot requests must also be received no later than Monday, September 16, 2024, with completed absentee ballots due by no later than Thursday, October 10, 2024.**

<p style="text-align: center;">NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES</p> <ul style="list-style-type: none">• May 21 – Nomination Announcement and packet sent to LAFCO membership and posted on the CALAFCO website.• September 16 – Completed Nomination packet due• September 16 – Request for an absentee/electronic ballot due• September 16 – Voting delegate name due to CALAFCO• October 3 – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)• October 3 – Distribution of requested absentee/electronic ballots.• October 10 – Absentee ballots due to CALAFCO• October 17 - Elections
--

If you have any questions about the election process, please contact CALAFCO Executive Director René LaRoche at rlaroche@calafco.org or by calling 916-442-6536.

Members of the 2024/2025 CALAFCO Election Committee are:

- | | |
|--------------------------------|--|
| Kenneth Leary, Committee Chair | Napa LAFCO (Coastal Region) |
| Bill Connelly | Butte LAFCO (Northern Region) |
| Kimberly Cox | San Bernardino LAFCO (Southern Region) |
| Anita Paque | Calaveras LAFCO (Central Region) |

To assist you in this consideration, you will find attached for your reference a copy of the CALAFCO Board Member Job Description, the CALAFCO Board of Directors Nomination and Election Procedures and Forms, and the current listing of Board Members and corresponding terms of office.

I sincerely hope that you will consider joining us!

Attachments.



Board Member Job Description

California Association of Local Agency Formation Commissions (CALAFCO) Member of the Board of Directors

Mission

As a 501(c)(3) nonprofit organization, CALAFCO supports LAFCOs by *promoting efficient and sustainable government services based on local community values through legislative advocacy and education.*

For more information, please see CALAFCO's website at www.calafco.org.

Values

The underlying values that define our organization are: *dependability, efficiency, honesty, and transparency.*

Duties

Board members have the following legal duties:

1. **Duty of Care:** *Ensuring prudent use of all assets including financial, facility, people, and good will.*
2. **Duty of Loyalty:** *Ensuring that the association's activities and transactions are, first and foremost, advancing its mission; Recognizing and disclosing conflicts of interest; Making decisions that are in the best interest of the association and not in the best interest of an individual board member, or any other individual or entity.*
3. **Duty of Obedience:** *Ensuring that the association obeys applicable laws and regulations; follows its own bylaws and policies; and that it adheres to its stated corporate purposes/mission.*

Position

The Board is a governing body and is expected to support the work of CALAFCO by providing mission-based leadership and strategic governance. While day-to-day operations are led by CALAFCO's Executive Director (ED), the Board-ED relationship is a partnership and the appropriate involvement of the Board is both critical and expected. Board Members are tasked with the Leadership, Governance, and Oversight of the association. Responsibilities include, but are not limited to:

- Representing CALAFCO to stakeholders; acting as an ambassador for the organization to regional members and California legislators.

- Approving policies that provide the appropriate authority and guidance for/to the ED in the administration of the organization.
- Serving as a trusted advisor to the ED.
- Participating in strategic planning retreats.
- Reviewing agenda and supporting materials, and communicating question to the Executive Director, prior to board and committee meetings.
- Weighing the organization's outcomes against strategic plan initiatives.
- Approving CALAFCO's annual budget, financial reports, and business decisions; being informed of, and meeting all, legal and fiduciary responsibilities.
- Assisting the ED and board chair in identifying and recruiting other Board Members to ensure CALAFCO's commitment to a diverse board and staff that recognizes the differing perspectives among LAFCOs.
- Partnering with the ED and other board members to ensure that board resolutions are carried out.
- Serving on committees or task forces and taking on special assignments, as needed.

Board Terms/Expected Participation

CALAFCO's Board Members are elected during regional caucuses held at the association's annual meeting, and serve two-year terms.

Regular board meetings are held quarterly, special meetings are called as needed, strategic planning retreats are held every two years, committee meetings are called at different times during the year, and legislative canvassing in Sacramento may be needed. Two absences, within a calendar year, from any regularly scheduled board meetings constitutes a resignation of the Board member.

Qualifications

Board Members must be seated LAFCO Commissioners at their local level.

This is an extraordinary opportunity for an individual who is passionate about the importance of the role that LAFCOs play in the sustainable growth of a region, and who has a track record of leadership. His/her accomplishments will allow him/her to interface effectively with the state legislature, as well as attract other well-qualified, high-performing Board Members.

Remuneration

Service on CALAFCO's Board of Directors is without remuneration. Administrative support, travel, and accommodation costs are typically provided by a director's home LAFCO.



Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a CALAFCO regional officer to serve as staff in cooperation with the Executive Director.
- c. Each regional officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCOs across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

2. ANNOUNCEMENT TO ALL MEMBER LAFCOs:

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCO for distribution to each commissioner and alternate. The announcement shall include the following:
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCOs listed by region.
 - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCO marked "Received too late for Election Committee action."
 - iv. The names of the Election Committee members and the name of their LAFCO, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.
 - v. The email address and physical address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
 - vii. The specific date by which all voting delegate names are due.
 - viii. The specific date by which absentee ballots must be requested, the date CALAFCO will

Key Timeframes for Nominations Process	
Days*	
120	Nomination announcement
30	Nomination deadline
14	Committee report released
*Days prior to annual membership meeting	

distribute the absentee ballots, and the date by which they must be received by the Executive Director.

- b. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the Executive Director have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nomination period, the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated representatives. Caucus elections must be held prior to the annual membership meeting at the Conference. The assigned regional officers along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the regional officer and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference. Only the designated Voting Delegate, or the designated Alternate Voting Delegate shall be allowed to pick up the ballot packet at the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Advise the Executive Director to provide "VOTING DELEGATE" ribbons to all voting delegates attending the Annual Conference.
- g. Post the candidate statements/resumes organized by region on a bulletin board or other easily accessible location near the registration desk.
- h. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election and shall be assisted by a regional officer from a region other than their own, as assigned by the Executive Director
- i. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING

Limited to the elections of the Board of Directors

- a. Any LAFCO in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the

annual meeting.

- d. LAFCO must return the ballot electronically to the Executive Director no later than three working days prior to the annual meeting.
- e. LAFCOs voting by electronic ballot may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee as noted on the ballot and may not vote in any run-off elections.

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Presiding Officer shall:
 - i. Review the election procedure with the membership of their region.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 - 1. For city member.
 - 2. For county member.
 - 3. For public member.
 - 4. For special district member.
- b. To make a nomination from the floor, a LAFCO, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy. If a candidate is absent from the regional caucus, they may ask someone in their region to make a brief statement on their behalf.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 - 1. Name the nominees and offices for which they are nominated.
 - 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
 - ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 - 1. Poll the LAFCOs in good standing by written ballot.
 - 2. Each LAFCO in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.

3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.
 4. With assistance from the regional officer, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. A majority of the total number of LAFCOs in a given region are required for a quorum. Returned absentee ballots shall count towards the total required for a quorum.
 2. The nominee receiving the majority of votes cast is elected.
 3. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).
 4. In case of tie votes:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names shall be listed on the ballot in the order the nomination was received and deemed complete.
- b. The Election Committee Chair shall announce and introduce all Board Members elected during the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCO may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new Board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

CALAFCO's Four Regions



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCO
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCO
gthompson@LAFCO.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Dawn Longoria
Napa LAFCO
dawn.longoria@napa.lafco.ca.gov

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: José Henriquez
Sacramento LAFCO
henriquezj@sacounty.net

CURRENT BOARD MEMBERS AND TERMS

NAME	REGION	TYPE & TERM
Bill Connelly	Butte <i>Northern</i>	County (2025)
Kimberly Cox	San Bernardino Southern	District (2025)
Rodrigo Espinosa	Merced <i>Central</i>	County (2024)
Yxstian Gutierrez	Riverside Southern	County (2025)
Blake Inscore, Secretary	Del Norte <i>North</i>	City (2024)
Gay Jones, Treasurer	Sacramento <i>Central</i>	District (2024)
Kenneth Leary	Napa Coastal	Public (2025)
Gordon Mangel	Nevada <i>Northern</i>	District (2025)
Michael McGill	Contra Costa <i>Coastal</i>	District (2024)
Derek McGregor	Orange <i>Southern</i>	Public (2024)
Margie Mohler, Chair	Napa <i>Coastal</i>	City (2025)
Anita Paque	Calaveras <i>Central</i>	Public (2025)
Wendy Root Askew	Monterey <i>Coastal</i>	County (2024)
Josh Susman	Nevada <i>Northern</i>	Public (2024)
Tamara Wallace	El Dorado Central	City (2025)
Acquanetta Warren, Vice-Chair	San Bernardino <i>Southern</i>	City (2024)



Board of Directors

2024/2025 Nomination Form

(Must accompany the Candidate Résumé Form)

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCO of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

LAFCO Chair

Date

NOTICE OF DEADLINE

Nomination Packets must be received by **September 16, 2024** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815

Date Received



Board of Directors
2024/2025 Candidate Résumé Form
(Complete both pages)

Nominated By: _____ LAFCO Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCO Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Complete Nomination Packets must be received by **September 16, 2024** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815



1451 River Park Drive, Ste 185
Sacramento, CA 95815
(916) 442-6536

NOMINATION OF 2024 CALAFCO VOTING DELEGATE

The Local Agency Formation Commission of the below named county, hereby nominates and names the following Commissioners as its duly authorized voting delegate and alternate for purposes of the 2024 CALAFCO Board of Directors election to be held on Thursday, October 17, 2024, during the CALAFCO Regional Caucus and Annual Meeting in Fish Camp, California.

County Name:

Delegate:

Alternate:

Appointment Authorized by:

Name of individual completing form on behalf of the LAFCo:

Will your delegate or alternate be attending the CALAFCO Annual Conference?

Yes: No:

PLEASE RETURN COMPLETED FORM BY **SEPTEMBER 16, 2024 TO:**

René LaRoche via email to: rlaroche@calafco.org

Late submissions will NOT be accepted.



Date: May 13, 2024

To: CALAFCO Members
LAFCO Commissioners and Staff
Other Interested Organizations

From: Blake Inscore, Committee Chair
CALAFCO Achievement Awards Committee
CALAFCO Board of Directors

Subject: 2024 CALAFCO Achievement Award Nominations
Period Open



Deadline: Saturday, August 31, 2024

On behalf of the Association, I am pleased to announce that the nomination period for the 2024 CALAFCO Achievement Awards is now open!

Each year, CALAFCO is honored to recognize outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at its Annual Conference Achievement Awards Ceremony. This year's ceremony will be held at the gorgeous Tenaya Lodge just outside Yosemite National Park on October 17th, during the awards banquet.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who have gone **above and beyond** over the last year to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition based on the criteria outlined.

Before submitting a nomination, ***please carefully review the nomination instructions and the criteria for each award as incomplete nominations, and nominations that do not adhere to the submission guidelines, will not be considered by the Committee.***

ACHIEVEMENT AWARDS NOMINATION PROCEDURE:

1. Most nominations may be made by an individual, a LAFCO, a CALAFCO Associate Member, or any other organization.
2. Each nomination must meet the specific award category criteria for consideration.
3. With the exception of the Lifetime Achievement Award, all nominated projects or acts of service must have occurred or been completed between August 18, 2023, and August 15, 2024.
4. Nominations ***must be submitted with a completed nomination form.*** Please use a separate form for each

nomination. The form is your opportunity to highlight the most important points of your nomination.

5. Nomination *Executive Summaries* must be **limited to no more than 250 words in length**. Nomination *Summaries* must be **limited to no more than 1,000 words or 2 pages in length maximum**. You are encouraged to write them in a clear, concise and understandable manner. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount **will not be considered by the Committee**.
6. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. **Limit supporting documentation to no more than 3 pages**. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount **will not be considered by the Committee**.
7. All nomination materials must be submitted at one time and must be received by the deadline. No late nominations will be accepted – no exceptions. Electronic submittals are required and must be submitted as pdf document, using the fillable pdf document provided.
8. **Nominations and all supporting materials must be received no later than Saturday, August 31, 2024**. Send nominations via e-mail to:

Stephen Lucas, CALAFCO Executive Officer
slucas@buttecounty.net

You may contact Steve Lucas, CALAFCO Executive Officer, at slucas@buttecounty.net or (530) 538-7784 with any questions.

Members of the 2024 CALAFCO Board of Directors Awards Committee

Board Members:

Blake Inscore, Committee Chair (Del Norte LAFCO, Northern Region)
Rodrigo Espinosa (Merced LAFCO, Central Region)
Kenneth Leary (Napa LAFCO, Coastal Region)
Anita Paque (Calaveras LAFCO, Central Region)

Regional Officer Members:

<i>Steve Lucas</i> , CALAFCO Executive Officer (Northern Region)	slucas@buttecounty.net
<i>José Henriquez</i> , CALAFCO Deputy Executive Officer (Central Region)	henriquezj@saccounty.net
<i>Dawn Longoria</i> , CALAFCO Deputy Executive Officer (Coastal Region)	dlongoria@napa.lafco.ca.gov
<i>Gary Thompson</i> , CALAFCO Deputy Executive Officer (Southern Region)	gthompson@lafco.org

Attachments:

- Achievement Award categories, nomination and selection criteria
- Listing of prior Achievement Award recipients
- 2024 Achievement Award nomination form (separate file)



CALAFCO ACHIEVEMENT AWARD CATEGORIES, NOMINATION & SELECTION CRITERIA

Every year, CALAFCO recognizes excellence within the LAFCO community, and among the full membership, by presenting *Achievement Awards* at the CALAFCO Annual Conference. Nominations are now open and being accepted until **Saturday, August 31, 2024** in the following categories:

OUTSTANDING CALAFCO VOLUNTEER

Award Summary:

Recognizes a CALAFCO volunteer who has provided exemplary service **during the year past**. Exemplary service is service which clearly goes above and beyond that which is asked or expected in the charge of their responsibilities. This category may include a CALAFCO Board member, regional officer, program volunteer, or any other requested volunteer.

Nomination criteria:

1. Nominee must have volunteered for the Association during the year in which the nomination is being made.
2. Nominee does not have to be a CALAFCO member.
3. Volunteer efforts must have demonstrated the individual going above and beyond what was asked/expected with positive and effective results.
4. Nominee can be a CALAFCO Board member, regional officer, program volunteer or any other volunteer.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee, regardless of their position or role as a volunteer. Only the contributions and outcomes shall be considered, not the individual's position.
3. The extent of the volunteerism and the overall impact to the statewide Association and membership based on that volunteerism shall be considered.
4. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING CALAFCO ASSOCIATE MEMBER

Award Summary:

Presented to an active CALAFCO Associate Member (person or agency) that has advanced or promoted the cause of LAFCOs by consistently producing distinguished work that upholds the mission and goals of LAFCOs and has helped elevate the role and mission of LAFCOs through its work. Recipient consistently demonstrates a collaborative approach to LAFCO stakeholder engagement.

Further, the individual or firm has a proven commitment to the Association membership through volunteering time and resources to further the cause of LAFCO and CALAFCO.

Nomination criteria:

1. Nominee must be a CALAFCO Associate Member in good standing with the Association.
2. Nominee shall be an Associate Member for the full year in which the nomination is being made.
3. The Associate Member nominated shall have been an Associate Member in good standing with the Association for at least one year prior to the year for which the nomination is being made.
4. As an Associate Member, the nominee may be an individual, firm or agency.
5. The nominee may be an individual within an Associate Member firm or agency.
6. Nominee shall demonstrate that through their work as an Associate Member, the role and mission of LAFCO has been upheld and furthered.
7. Nominee must have proven cooperative and collaborative approaches to situations and solutions that affect LAFCOs statewide as an Associate Member.
8. Proven commitment to the Association's membership as an Associate Member by volunteering resources to the Association during the year in which the nomination is made.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. The level of volunteering time and resources to the Association shall be a consideration with all other nomination criteria.

OUTSTANDING COMMISSIONER

Award Summary:

Presented to an individual Commissioner for extraordinary service to his or her Commission. Extraordinary service is considered actions above and beyond those required in the course of fulfilling their statutory responsibilities as a Commissioner. It requires consistently demonstrating independent judgment on behalf of the interest of the entire county, developing innovative and collaborative solutions to local issues, and leading the commission and community by example.

Nomination criteria:

1. Nominee must be a Commissioner of a LAFCO in good standing with the Association.
2. Nominee shall be a Commissioner for the full year in which the nomination is being made.
3. Proven demonstration of consistently exercising independent judgment for the greater good of the County is required.
4. Proven leadership of the commission and the community through collaborative, innovative and creative solutions to local issues is required.
5. Proven effective results and outcomes shall be demonstrated in the nomination.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Representation type (city-county-district-public) shall not be a consideration nor shall be the size or geographic area of the LAFCO on which the Commissioner serves.

4. The overall impact of the leadership of the Commissioner shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING LAFCO PROFESSIONAL

Award Summary:

Recognizes an Executive Officer, Staff Analyst, Clerk, Legal Counsel or any other LAFCO staff person for exemplary service during the past year. Exemplary service is considered actions which clearly go above and beyond that which is asked, expected, or required in the charge of their LAFCO responsibilities.

Nomination criteria:

1. Nominee must be a staff person of a LAFCO in good standing with the Association.
2. Nominee shall be a staff person for the full year in which the nomination is being made.
3. As a staff person, the nominee can be either an employee of the LAFCO or a contractor providing employee-type services to the LAFCO.
4. Efforts must be demonstrated that the individual has consistently gone above and beyond or outside the scope of their role or job responsibilities, with proven results that otherwise would not have occurred.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Position within a LAFCO shall not be a consideration, nor shall be the size or geographic area of the LAFCO.
4. The overall impact of the LAFCO professional to their LAFCO and the greater community shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

LIFETIME ACHIEVEMENT AWARD

Award Summary:

Recognizes any individual who has made extraordinary contributions to the statewide LAFCO community in terms of longevity of service, exemplary advocacy of LAFCO-related legislation, proven leadership in approaching a particular issue or issues, and demonstrated support in developing and implementing innovative and creative ways to support the goals of LAFCOs throughout California. At a minimum, the individual should be involved in the LAFCO community for at least twenty (20) years.

Nomination criteria:

1. Nomination must be received from a member LAFCO or Associate Member in good standing with the Association.
2. A minimum of 20 years direct involvement with the LAFCO community is required for

- consideration.
3. During that time, nominee shall have a proven positive impact and effect on the support and evolution of LAFCOs statewide.
 4. This includes advocacy of LAFCOs statewide through legislation, developing creative and innovative solutions to LAFCO issues that serve beyond their LAFCO to the greater good, and collaborative stakeholder approaches to issues and opportunities to further the cause and mission of LAFCO.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Preference may be given to nominees who also have proven experience volunteering for CALAFCO through a regional officer role, serving on committees, serving on the CALAFCO Board, or any other method of volunteering for the Association that serves to promote and support the mission and work of LAFCOs throughout the state.

LEGISLATOR OF THE YEAR

Award Summary:

Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCO goals that have a statewide effect. The recipient shall have demonstrated clear support and effort to further the cause and ability of LAFCOs to fulfill their statutory mission. Selected by CALAFCO Board by super majority.

Nomination criteria:

1. Nominee shall be a California State legislator during the full year in which the nomination was made.
2. Nominee must have demonstrated extraordinary leadership in the Legislature on behalf of LAFCOs statewide, with efforts resulting in a positive impact for all LAFCOs.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. All Legislator of the Year nominations shall be forwarded by the Achievement Awards Committee to the Board for consideration.
3. Selection of the recipient of this award shall be done with a super majority approval of the Board (present at the time of the vote).

MIKE GOTCH EXCELLENCE IN PUBLIC SERVICE AWARD

Award Summary:

Awarded to an individual, group or agency for actions that rise above expected or common functions or actions that are LAFCO-related; *and* reduce or eliminate common institutional roadblocks; *and* result in a truly extraordinary public service outcome. Individuals, a LAFCO, or collaborative effort among multiple LAFCOs or a LAFCO with other entities are eligible. Other entities shall be decision-making bodies at the local, regional or state level. This award has two distinct categories, each focusing on a specific area:

1. *Protection of agricultural and open space lands and prevention of sprawl*

2. *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*

Award categories:

- **Protection of agricultural and open space lands and prevention of sprawl**

Includes the development and implementation of programs or other actions associated with agriculture, water, flood control, parks and recreation, habitat conservation plans and public lands. Demonstrates the recipient has identified, encouraged and ensured the preservation of agricultural and open space lands. Proven actions that encourage cities, counties and special districts to direct development away from all types of agricultural lands, including prime agricultural lands and open space lands. Includes demonstrated consideration given in decisions to Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and sustainable communities.

- **Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services**

Includes the development and implementation of innovate support and systems within internal LAFCO operations in the support of local agencies. Actions produce systemic and sustainable improvements and innovation of local government. Proven facilitation of constructive discussions with local and regional agencies and proactive outreach to local and regional agencies as well as local stakeholders and communities to identify issues and solutions and demonstrated action as a coordinating agency in offering and supporting unique local solutions to meet local challenges. Successful demonstration of development of capacities and abilities of local agencies. Provide tools and resources to local agencies to address aging infrastructure, fiscal challenges and the maintenance of existing services. Demonstrated action to streamline the provision of local services with proven results that services are consistent or have been improved as a result, with little to no increased cost to the consumer. Focused efforts and proven results to ensure delivery of services to all communities, especially disadvantaged communities.

Nomination criteria:

1. Clear demonstration that the actions rise above expected or common functions or actions.
2. The actions reduced or eliminated common institutional roadblocks.
3. The actions clearly proven a truly extraordinary public service outcome that is systemic and sustainable.
4. Identified unique circumstances and factors leading to the solution/project.
5. The innovative steps taken by the LAFCO or entity/entities/individual to solve the problem, overcome the situation, or to take action.
6. Clear description of the results/outcomes of the work and the short- and long-term effects.
7. How this work can be promoted as a LAFCO best practice.
8. Clear demonstration how this nomination meets all criteria.

Selection Criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee within each category. The size or geographic area of the LAFCO within a given category shall not be a consideration.
3. The overall impact of the actions and outcomes to the greater community being served shall be considered.
4. The level of impact based on the required nomination criteria shall be considered.

QUALIFYING PERIOD: *With the exception of the Lifetime Achievement Award, all nominated projects or acts of service must have occurred or been completed between August 18, 2023, and August 15, 2024.*



PREVIOUS CALAFCO ACHIEVEMENT AWARD RECIPIENTS

2023

Lifetime Achievement Award:	Dawn Mittleman Longoria , Napa LAFCO
Outstanding Commissioner	Richard Bettencourt , San Benito LAFCO
Outstanding LAFCO Professional	Two-Way Tie: José C. Henriquez , Sacramento LAFCO Andrea Ozdy , Ventura LAFCO
Outstanding Associate Member	Colantuono, Highsmith & Whatley
Outstanding Volunteer	Anita Paque , Calaveras LAFCO
Mike Gotch Award - Agriculture Innovation	Napa LAFCO Tom Cooley , Plumas LAFCO

2022

Outstanding Commissioner	Don Saylor , Yolo LAFCO
Outstanding LAFCO Professional	Carolyn Emery , Orange LAFCO
Mike Gotch Award - Innovation, Collaboration, And Outreach	Two-Way Tie: Cristine Crawford , Yolo LAFCO, and Erica Sanchez , El Dorado LAFCO & Amanda Ross , South Fork Consulting, LLC

2020 – 2021 (2 year period due to the pandemic)

Outstanding Associate Member	Planwest Partners
Outstanding Commissioner	Olin Woods , Yolo LAFCO
Outstanding LAFCO Professional	Crystal Craig , Riverside LAFCO
Mike Gotch Protection of Ag and Open Space Lands & Prevention of Urban Sprawl	Napa LAFCO
Mike Gotch Courage & Innovation in Local Government Leadership Award	Yolo LAFCO
Lifetime Achievement Award	Jerry Glabach , Los Angeles LAFCO

2019

Distinguished Service Award	Charley Wilson , Orange LAFCO
Most Effective Commission	Contra Costa LAFCO
Outstanding Commissioner	Jim DeMartini , Stanislaus LAFCO
Outstanding LAFCO Professional	David Church , San Luis Obispo LAFCO
Project of the Year	Orange LAFCO , for <i>San Juan Capistrano Utilities MSR</i>
Government Leadership Award	CA State Water Resources Control Board, Los Angeles County and Los Angeles LAFCO , for <i>Sativa Water District</i>
Mike Gotch Courage & Innovation in Local Government Leadership Award	Butte LAFCO
Legislator of the Year	Assembly Member Mike Gipson
Lifetime Achievement Award	John Benoit , various LAFCOs, Jurg Heuberger , Imperial LAFCO

2018

Distinguished Service Award	John Withers , Orange LAFCO
Most Effective Commission	Santa Clara LAFCO
Outstanding Commissioner	Margie Mohler , Napa LAFCO
Outstanding LAFCO Professional	George Williamson , Del Norte LAFCO
Outstanding LAFCO Clerk	Elizabeth Valdez , Riverside LAFCO
Outstanding CALAFCO Associate Member	Best Best & Krieger
Project of the Year	Lake LAFCo , water services consolidation
Government Leadership Award	City of Porterville, County of Tulare, Dept. of Water Resources, State Water Resources Control Board, Governor's Office of Emergency Services, Self Help Enterprises, Community Water Center for East Porterville water supply project
Mike Gotch Courage & Innovation in Local Government Leadership Award	Mike Ott , San Diego LAFCO
Legislator of the Year	Assembly Member Anna Caballero
Lifetime Achievement Award	Pat McCormick , Santa Cruz LAFCO, George Spiliotis , Riverside LAFCO

2017

Most Effective Commission	Los Angeles LAFCO
Outstanding CALAFCO Member	Sblend Sblendorio , Alameda LAFCO
Outstanding Commissioner	John Marchand , Alameda LAFCO
Outstanding LAFCO Professional	Paul Novak , Los Angeles LAFCO
Outstanding LAFCO Clerk	Richelle Beltran , Ventura LAFCO
Outstanding CALAFCO Associate Member	Policy Consulting Associates
Project of the Year	County Services MSR , Butte LAFCO, and Santa Rosa Annexation , Sonoma LAFCO
Government Leadership Award	San Luis Obispo County Public Works Dept.
Lifetime Achievement Award	Kathy Rollings McDonald (San Bernardino)

2016

Distinguished Service Award	Peter Brundage , Sacramento LAFCO
Most Effective Commission	San Luis Obispo LAFCO
Outstanding CALAFCO Member	John Leopold , Santa Cruz LAFCO
Outstanding Commissioner	Don Tatzin , Contra Costa LAFCO
Outstanding LAFCO Professional	Steve Lucas , Butte LAFCO
Outstanding LAFCO Clerk	Cheryl Carter-Benjamin , Orange LAFCO
Project of the Year	Countywide Water Study , (Marin LAFCO)
Government Leadership Award	Southern Region of CALAFCO
Lifetime Achievement Award	Bob Braitman (retired Executive Officer)

2015

Mike Gotch Courage & Innovation in Local Government Leadership Award	Yuba County Water Agency
Distinguished Service Award	Mary Jane Griego , Yuba LAFCO
Most Effective Commission	Butte LAFCO
Outstanding CALAFCO Member	Marjorie Blom , formerly of Stanislaus LAFCO
Outstanding Commissioner	Matthew Beekman , formerly of Stanislaus LAFCO
Outstanding LAFCO Professional	Sam Martinez , San Bernardino LAFCO
Outstanding LAFCO Clerk	Terri Tuck , Yolo LAFCO
Project of the Year	Formation of the Ventura County Waterworks District No. 38 (Ventura LAFCO) and 2015 San Diego County Health Care Services five-year sphere of influence and service review report (San Diego LAFCO)
Government Leadership Award	The Cities of Dublin, Pleasanton, Livermore and San Ramon, the Dublin San Ramon Services District and the Zone 7 Water Agency
CALAFCO Associate Member of the Year	Michael Colantuono of Colantuono, Highsmith & Whatley
Legislators of the Year Award	Assembly member Chad Mayes
Lifetime Achievement Award	Jim Chapman (Lassen LAFCO) and Chris Tooker (formerly of Sacramento LAFCO)

2014

Mike Gotch Courage & Innovation in Local Government Leadership Award	David Church , San Luis Obispo LAFCO
Distinguished Service Award	Kate McKenna , Monterey LAFCO
Most Effective Commission	Santa Clara LAFCO
Outstanding CALAFCO Member	Stephen Lucas , Butte LAFCO
Outstanding Commissioner	Paul Norsell , Nevada LAFCO
Outstanding LAFCO Professional	Kate McKenna , Monterey LAFCO
Outstanding LAFCO Clerk	Paige Hensley , Yuba LAFCO
Project of the Year	LAFCo Procedures Guide: 50th Year Special Edition , San Diego LAFCO
Government Leadership Award	Orange County Water District, City of Anaheim, Irvine Ranch Water District, and Yorba Linda Water District
Legislators of the Year Award	Assembly member Katcho Achadjian
Lifetime Achievement Award	Susan Wilson , Orange LAFCO

2013

Mike Gotch Courage & Innovation in Local Government Leadership Award	Simón Salinas , Commissioner, Monterey LAFCO
Distinguished Service Award	Roseanne Chamberlain , Amador LAFCO
Most Effective Commission	Stanislaus LAFCO
Outstanding CALAFCO Member	Harry Ehrlich , San Diego LAFCO
Outstanding Commissioner	Jerry Gladbach , Los Angeles LAFCO
Outstanding LAFCO Professional	Lou Ann Texeira , Contra Costa
LAFCO Outstanding LAFCO Clerk	Kate Sibley , Contra Costa LAFCO
Project of the Year	Plan for Agricultural Preservation , Stanislaus LAFCO
Government Leadership Award	Orange County LAFCO Community Islands Taskforce , Orange LAFCO

Legislators of the Year Award
Lifetime Achievement Award

Senators Bill Emmerson and Richard Roth

H. Peter Faye, Yolo LAFCO; **Henry Pellissier**, Los Angeles LAFCO; **Carl Leverenz**, Butte LAFCo; **Susan Vicklund-Wilson**, Santa Clara LAFCO.

2012

Mike Gotch Courage & Innovation in Local Government Leadership Award

Bill Chiat, CALAFCO Executive Director

Distinguished Service Award

Marty McClelland, Commissioner, Humboldt LAFCO

Most Effective Commission

Sonoma LAFCO

Outstanding CALAFCO Member

Stephen A. Souza, Commissioner, Yolo LAFCO and CALAFCO Board of Directors

Outstanding Commissioner

Sherwood Darington, Monterey

LAFCO Outstanding LAFCO Professional

Carole Cooper, Sonoma LAFCO

Outstanding LAFCO Clerk

Gwenna MacDonald, Lassen LAFCO

Project of the Year

Countywide Service Review & SOI Update, Santa Clara LAFCO

Government Leadership Award

North Orange County Coalition of Cities, Orange LAFCO

Lifetime Achievement Award

P. Scott Browne, Legal Counsel LAFCOs

2011

Mike Gotch Courage & Innovation in Local Government Leadership Award

Martin Tuttle, Deputy Director for Planning, Caltrans

Mike McKeever, Executive Director, SACOG

Distinguished Service Award

Carl Leverenz, Commissioner and Chair, Butte

LAFCo Most Effective Commission

San Bernardino LAFCO

Outstanding CALAFCO Member

Keene Simonds, Executive Officer, Napa LAFCO

Outstanding Commissioner

Louis R. Calcagno, Monterey LAFCO

Outstanding LAFCO Professional

June Savala, Deputy Executive Officer, Los Angeles LAFCO

Outstanding LAFCO Clerk

Debbie Shubert, Ventura LAFCO

Project of the Year

Cortese-Knox-Hertzberg Definitions Revision

Bob Braitman, Scott Browne, Clark Alsop, Carole Cooper, and George Spiliotis

Government Leadership Award

Contra Costa Sanitary District

Elsinore Water District and Elsinore Valley Municipal Water District

2010

Mike Gotch Courage & Innovation in Local Government Leadership Award

Helen Thompson, Commissioner, Yolo LAFCO

Distinguished Service Award

Kathleen Rollings-McDonald, Executive Officer, San Bernardino LAFCO

Bob Braitman, Executive Officer, Santa Barbara LAFCO

Most Effective Commission

Tulare LAFCO

Outstanding CALAFCO Member

Roger Anderson, Ph.D., CALAFCO Chair, Santa Cruz LAFCO

Outstanding Commissioner

George Lange, Ventura LAFCO

Outstanding LAFCO Professional

Harry Ehrlich, Government Consultant, San Diego LAFCO

Outstanding LAFCO Clerk

Candie Fleming, Fresno LAFCO

Project of the Year

Butte LAFCo

Sewer Commission - Oroville Region Municipal Service Review

Government Leadership Award

Nipomo Community Services District and the County of San Luis Obispo

Special Achievement

Chris Tooker, Sacramento LAFCO and CALAFCO Board of Directors

2009

Mike Gotch Courage & Innovation in Local Government Leadership Award

Paul Hood, Executive Officer, San Luis Obispo LAFCO

Distinguished Service Award

William Zumwalt, Executive Officer, Kings LAFCO

Most Effective Commission

Napa LAFCO

Outstanding CALAFCO Member

Susan Vicklund Wilson, CALAFCO Vice Chair
Jerry Gladbach, CALAFCO Treasurer

Outstanding Commissioner

Larry M. Fortune, Fresno LAFCO

Outstanding LAFCO Professional

Pat McCormick, Santa Cruz LAFCO Executive Officer

Outstanding LAFCO Clerk

Emmanuel Abello, Santa Clara LAFCO

Project of the Year

Orange LAFCO Boundary Report

Government Leadership Award

Cities of Amador City, Jackson, Lone, Plymouth & Sutter Creek; Amador County; Amador Water Agency; Pine Grove CSD – Countywide MSR Project

Legislator of the Year Award

Assembly Member Jim Silva

2008

Distinguished Service Award

Peter M. Detwiler, Senate Local Government Committee Chief Consultant

Most Effective Commission

Yuba LAFCO

Outstanding Commissioner

Dennis Hansberger, San Bernardino LAFCO

Outstanding LAFCO Professional

Michael Ott, San Diego LAFCO Executive Officer
Martha Poyatos, San Mateo Executive Officer

Outstanding LAFCO Clerk

Wilda Turner, Los Angeles LAFCO

Project of the Year

Kings LAFCO
City and Community District MSR and SOI Update

Government Leadership Award

San Bernardino Board of Supervisors

Legislator of the Year Award

Assembly Member Anna M. Caballero

2007

Outstanding CALAFCO Member

Kathy Long, Board Chair, Ventura LAFCo

Distinguished Service Award

William D. Smith, San Diego Legal

Counsel Most Effective Commission

Santa Clara LAFCO

Outstanding Commissioner

Gayle Uilkema, Contra Costa LAFCO

Outstanding LAFCO Professional

Joyce Crosthwaite, Orange LAFCO Executive Officer

Outstanding LAFCO Clerk

Debby Chamberlin, San Bernardino LAFCO

Project of the Year

San Bernardino LAFCo and City of Fontana
Islands Annexation Program

Government Leadership Award

City of Fontana - Islands Annexation Program

Lifetime Achievement

John T. "Jack" Knox

2006

Outstanding CALAFCO Member

Everett Millais, CALAFCO Executive Officer and Executive Officer of Ventura LAFCO

Distinguished Service Award	Clark Alsop , CALAFCO Legal Counsel
Most Effective Commission Award	Alameda LAFCO
Outstanding Commissioner Award	Ted Grandsen , Ventura LAFCO Chris Tooker , Sacramento LAFCO
Outstanding LAFCO Professional Award	Larry Calemine , Los Angeles LAFCO Executive Officer
Outstanding LAFCO Clerk Award	Janice Bryson , San Diego LAFCO Marilyn Flemmer , Sacramento LAFCO
Project of the Year Award	Sacramento Municipal Utility District Sphere of Influence Amendment and Annexation; Sacramento LAFCO
Outstanding Government Leadership Award	Cities of Porterville, Tulare, and Visalia and Tulare LAFCO Island Annexation Program
Legislator of the Year Award	Senator Christine Kehoe

2005

Outstanding CALAFCO Member	Peter Herzog , CALAFCO Board, Orange LAFCO
Distinguished Service Award	Elizabeth Castro Kemper , Yolo LAFCO
Most Effective Commission Award	Ventura LAFCO
Outstanding Commissioner Award	Art Aseltine , Yuba LAFCO Henri Pellissier , Los Angeles LAFCO
Outstanding LAFCO Professional Award	Bruce Baracco , San Joaquin LAFCO
Outstanding LAFCO Clerk Award	Danielle Ball , Orange LAFCO
Project of the Year Award	San Diego LAFCO MSR of Fire Protection and Emergency Medical Services
Outstanding Government Leadership Award	Sacramento Area Council of Governments (SACOG)

2004

Outstanding CALAFCO Member	Scott Harvey , CALAFCO Executive Director
Distinguished Service Award	Julie Howard , Shasta LAFCO
Most Effective Commission Award	San Diego LAFCO
Outstanding Commissioner Award	Edith Johnsen , Monterey LAFCO
Outstanding LAFCO Professional Award	David Kindig , Santa Cruz LAFCO
Project of the Year Award	San Luis Obispo LAFCO Nipomo CSD SOI Update, MSR, and EIR

2003

Outstanding CALAFCO Member	Michael P. Ryan , CALAFCO Board Member
Distinguished Service Award	Henri F. Pellissier , Los Angeles LAFCO
Most Effective Commission Award	San Luis Obispo LAFCO
Outstanding Commissioner Award	Bob Salazar , El Dorado LAFCO
Outstanding LAFCO Professional Award	Shirley Anderson , San Diego LAFCO
Outstanding LAFCO Clerk Award	Lori Fleck , Siskiyou LAFCO
Project of the Year Award	Napa LAFCo Comprehensive Water Service Study
Special Achievement Award	James M. Roddy

2002

Outstanding CALAFCO Member	Ken Lee , CALAFCO Legislative Committee Chair
Most Effective Commission Award	San Diego LAFCO Outstanding
Commissioner Award	Ed Snively , Imperial LAFCO
Outstanding LAFCO Professional Award	Paul Hood , San Luis Obispo LAFCO
Outstanding LAFCO Clerk Award	Danielle Ball , Orange LAFCO

Project of the Year Award
 Outstanding Government Leadership Award

San Luis Obispo LAFCO
Napa LAFCo, Napa County Farm Bureau, Napa Valley Vintners Association, Napa Valley Housing Authority, Napa County Agricultural Commissioner's Office, Napa County Counsel Office, and Assembly Member Patricia Wiggins

2001

Outstanding CALAFCO Member
 Distinguished Service Award
 Outstanding Commissioner Award
 Outstanding LAFCO Professional Award
 Project of the Year Award
 Outstanding Government Leadership Award
 Legislator of the Year Award

SR Jones, CALAFCO Executive Officer
David Martin, Tax Area Services Section, State Board of Equalization
H. Peter Faye, Yolo LAFCO
Ingrid Hansen, San Diego LAFCO
Santa Barbara LAFCO
Alameda County Board of Supervisors, Livermore City Council, Pleasanton City Council
Senator Jack O'Connell

2000

Outstanding CALAFCO Member
 Distinguished Service Award
 Most Effective Commission Award
 Outstanding Commissioner
 Outstanding LAFCO Professional Award
 Outstanding LAFCO Clerk Award
 Project of the Year Award
 Legislator of the Year Award

Ron Wootton, CALAFCO Board Chair
Ben Williams, Commission on Local Governance for the 21st Century
Yolo LAFCO
Rich Gordon, San Mateo LAFCO
Annamaria Perrella, Contra Costa LAFCO
Susan Stahmann, El Dorado LAFCO
San Diego LAFCO
Robert Hertzberg, Assembly Member

1999

Distinguished Service Award
 Most Effective Commission Award
 Outstanding Executive Officer Award
 Outstanding LAFCO Clerk Award
 Most Creative Solution to a Multi-Jurisdictional Problem
 Outstanding Government Leadership Award
 Legislator of the Year Award

Marilyn Ann Flemmer-Rodgers, Sacramento LAFCO
Orange LAFCO
Don Graff, Alameda LAFCO
Dory Adams, Marin LAFCO
San Diego LAFCO
Assembly Member John Longville
Assembly Member Robert Hertzberg

1998

Outstanding CALAFCO Member
 Distinguished Service Award
 Most Effective Commission Award
 Outstanding Executive Officer Award
 Outstanding Staff Analysis
 Outstanding Government Leadership Award

Dana Smith, Orange LAFCO
Marvin Panter, Fresno LAFCO
San Diego LAFCO
George Spiliotis, Riverside LAFCO
Joe Convery, San Diego LAFCO
Joyce Crosthwaite, Orange LAFCO
Santa Clara County Planning Department

1997

Most Effective Commission Award
 Outstanding Executive Officer Award

Orange LAFCO
George Finney, Tulare LAFCO

Outstanding Staff Analysis

Annamaria Perrella, Contra Costa LAFCO

Outstanding Government Leadership Award

South County Issues Discussion Group

Most Creative Solution to a Multi-Jurisdictional Problem

Alameda LAFCO and Contra Costa LAFCO

Legislator of the Year Award

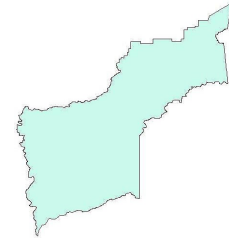
Assembly Member Tom Torlakson



YUBA LOCAL AGENCY FORMATION COMMISSION

John Benoit, Executive Officer
Paige Hensley, Deputy Executive Officer
David Ruderman, LAFCo Counsel
417 4th Street
Marysville, CA 95901

Phone: (530)749-5467
Website: www.yubalafco.org



June 26, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: **SIGNATURE REQUEST - AB 3277**, Local agency formation commission: districts:
property tax (Assembly Local Government Committee)

--

Dear Governor Newsom,

The Yuba Local Agency Formation Commission (LAFCO) respectfully requests that you sign **AB 3277** (Local agency formation commission: districts: property tax), which was sent for Enrollment on June 13, 2024.

This bill makes a minor change to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“the Act”) that streamlines the process in certain instances.

Currently, existing statute requires a commission to perform a financial analysis of ad valorem property taxes when a proposal is received that includes the incorporation of a city and the formation of a district. The only purpose of the analysis is to determine how best to apportion the property taxes between the agencies. However, occasionally, an application is received in which the district waives any portion of the ad valorem taxes. In those situations, no analysis is needed for the process, yet it remains required by statute.

This bill will add language that clarifies that the performance of that financial analysis only needs to be performed in those instances where a portion of the ad valorem property taxes is being sought. By making this minor change, **AB 3277** will limit this time-consuming process only to those applications requiring it.

For those reasons, Yuba LAFCO supports AB 3277 and respectfully requests that you sign it.

Please do not hesitate to reach out should you have any questions or concerns about our position.

Yours sincerely,

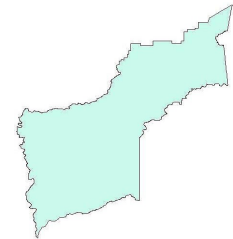
Brad Hudson, Chair
Yuba Local Agency Formation Commission

cc: Honorable Juan Carrillo, Chair, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
Brady Borchering, Deputy Legislative Secretary to the Governor

YUBA LOCAL AGENCY FORMATION COMMISSION

John Benoit, Executive Officer
Paige Hensley, Deputy Executive Officer
David Ruderman, LAFCo Counsel
417 4th Street
Marysville, CA 95901

Phone: (530)749-5467
Website: www.yubalafco.org



June 26, 2024

Honorable Juan Carrillo, Chair
Assembly Local Government Committee
1020 N St., Rm. 157
Sacramento, CA 95814

RE: **SUPPORT, AS AMENDED - SB 120 (Cortese): Local agency formation commission: indemnification**

Dear Chair Carrillo and Committee Members:

--

The Yuba Local Agency Formation Commission (LAFCO) is pleased to **Support Senate Bill 1209**, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO). **SB 1209** would add a new section into Government Code authorizing LAFCOs to enter into an indemnification agreement with an applicant, which would hold harmless the LAFCO or its agents from any action attacking a LAFCO approval. Counties and cities are already empowered to enter into, and require indemnification, and routinely do so with respect to discretionary land-use approvals. SB 1209 would provide LAFCOs with a similar authority in this situation.

This bill is in response to a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide explicit authority to LAFCOs to require indemnification in any situation. Absent indemnification authority - and because LAFCO funding is statutorily required in a specified ratio from the county, cities, and special districts within a county - the costs to defend litigation must be absorbed by all of LAFCO's funding agencies.

Consequently, **SB 1209** will provide LAFCOs with the ability to use a tool already in use by counties and cities, and prevent some costs to defend litigation from being shifted to a county, its cities, and its special districts.

Thus, for the above reasons, Yuba LAFCO is in strong **Support of SB 1209** and respectfully requests your AYE vote.

Sincerely,

Brad Hudson
Chair, Yuba Local Agency Formation Commission

cc: Members and All Consultants, Assembly Local Government Committee
The Honorable Dave Cortese, California State Senate
René LaRoche, Executive Director, CALAFCO

