

# **YUBA COUNTY LOCAL AGENCY FORMATION COMMISSION**

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## **MEMORANDUM**

**April 14, 2011**

**TO:** Yuba LAFCO Commissioners  
**FROM:** John Benoit, Executive Officer  
**RE:** Wheatland Sphere of Influence Recommendations

**Attachments:**

1. Figure 4.2 from the City of Wheatland Sphere of Influence Options Report
2. Figure 3 from the Wheatland Land Use Diagram (2009)
3. Browne Cattle Company – 50 acres and Territory recently Annexed to Yuba County (77 acres)
4. General Plan EIR and General Plan EIR Addendum
5. Resolution 2011-0004 Approving an update to Wheatland’s Sphere of Influence

### **Introduction**

LAFCO is required to establish Spheres of Influence (Spheres) for all local agencies and enact policies to promote the logical and orderly development of areas within Spheres. Furthermore, LAFCO must update Spheres every five years, as necessary in updating the Sphere, LAFCO is required to conduct a municipal service review (MSR) and adopt related determinations prior to adoption of a Sphere of Influence for an agency. Yuba LAFCO adopted a Municipal Service Review on August 24, 2008 for all services provided within Yuba County including those services provided by the City of Wheatland. That report is incorporated by reference.

This report provides a staff recommendation for the City of Wheatland’s Sphere of Influence. Development of a Sphere update involves additional steps as follows:

- opportunity for public input at a Yuba LAFCO public hearing, and
- consideration of changes requested by LAFCO Commissioners.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the Sphere and may not update the Sphere until after that hearing. The Yuba LAFCO Executive Officer must issue a report including recommendations on any Sphere amendments and updates under consideration at least five days prior to the public hearing.

The City of Wheatland adopted a new General Plan on July 11, 2006 and certified an EIR. LAFCO staff has reviewed the certified General Plan EIR and an addendum prepared and adopted by the City of Wheatland. The content of the supplement addresses the inclusion of the Browne Cattle Company parcel located in the Northeast portion of the Sphere and consisting of 50 acres and inclusion of approximately 77 acres of territory recently annexed to Yuba County. The Sphere of Influence also includes territory north of the Bear River and south of the existing City Sphere of Influence, previously analyzed in the General Plan EIR. This territory is known as Area "A" as shown on the Sphere of Influence Options report figure 4.2 (see attachment 1) including 77 acres more or less which has recently been annexed in to Yuba County as well as a larger remainder of Area A which remains in Placer County. This territory cannot be annexed to the City of Wheatland until it is annexed to Yuba County.

### **Background**

The City of Wheatland boundary area extends north along SR-65 to south of the Dry Creek Levee Road, west along Wheatland Road to Baxter Road, south along Malone Avenue to the Yuba-Sutter and Yuba-Placer county lines, and east along Spenceville Road to Hudson Way, as shown in Figure 4-2 of the Sphere Options paper prepared by Burr Consulting (see attached figure (Attachment #1)).

The City's Sphere of Influence was adopted in 1992, and amended in 2006. The City's existing Sphere extends beyond the boundary north to Dairy Rd (west of SR 65) and Dry Creek Levee (east of SR 65), west of Oakley Lane (0.75 miles in the southwestern portion and one mile in the northwestern portion), south to the Yuba-Sutter and Yuba-Placer county lines, and east to the western Camp Far West area. LAFCO has processed one minor amendment to the City's Sphere, which occurred in 2006 in conjunction with the Heritage Oaks Estates annexation.<sup>1</sup>

### **City Service Area**

The City provides water, sewer, drainage, fire, emergency medical, law enforcement, street maintenance, park, and planning services within its boundary area. The City provides these services throughout its entire boundary area; there are no presently unserved areas. The City does not provide services outside its bounds.

### **City Planning Area**

The planning area for the City covers all land designated for or to be considered probable for future growth as part of the City of Wheatland. This boundary includes the existing City Sphere of Influence as previously adopted by LAFCO in 1992 and amended in 2006 and territory included as shown in Area "An" on figure 4-2 of the Sphere Options Report and the 50 acres included in the northeast portion of the Sphere known as the Browne Cattle Company parcel.

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<sup>1</sup> Further details on the City's boundary and SPHERE history are located in the 2008 Yuba County Municipal Service Review, Appendix A, chapter A-2.

The planning area is shown on Figure 3 of the 2006 adopted City General Plan (See attached Figure 3 shown as Attachment 2). The planning area consists of 4,650 acres more or less. With the addition of the Browne Cattle Company parcel, the Sphere of Influence would include 4,700 acres more or less. Within the city limits, land uses include low, medium and high-density residential, commercial, park, and public facilities. Additionally, located just outside of the city boundaries are employment land uses consisting of office, professional, research and development, and light industrial uses and remaining areas outside the City boundaries but within the Sphere of Influence are designed urban reserve. This also includes a portion of the land within Placer County, which is designated for "Urban Reserve" as well as 77 acres recently annexed to Yuba County.

## Flooding

The area within and surrounding the City is currently within Flood Zone "A". Zone "A" includes lands subject to flooding within the 100 year flood zone. The eastern portion of the Sphere of Influence contains a lesser amount of territory subject to flooding. Zone "A" lands immediately within and surrounding Wheatland will be reclassified to Zone "X" (lands not within the 100 year flood zone) upon certification of the Bear River Levee.

## Other Service Providers in the Wheatland Area

There are several local agencies with boundaries that overlap the City's boundary or existing Sphere:

The Plumas-Brophy Fire Protection District (PBFPD) boundary overlaps the City boundary in the southeast along Wheatland Road and in the southwest along Malone Avenue, and the majority of the City's Sphere. Historically, areas annexed to the City had been detached from PBFPD; however, annexations to the City processed in 2006 were not accompanied by detachments. PBFPD is an overlapping service provider, as the City and PBFPD both provide fire services. Services to both the City and PBFPD are provided by Wheatland Fire Authority, which is a JPA formed by the two agencies.

RD 2103 provides levee maintenance services within the majority of the City's boundary and Sphere area, including along the Dry Creek levee north of the City and the Bear River levee south of the City. RD 817 provides levee maintenance to the portion of the existing City limits and Sphere southeast of Oakley Lane. There is no duplication of services within RD 2103, as the City does not provide levee maintenance services. However, both the City and RD 817 are responsible for internal drainage; hence, there is a small overlap area with duplicate service providers.

The Yuba County Water Agency boundary overlaps the entire City boundary and Sphere, although there is no duplication of services as the City does not provide irrigation water, and YCWA is not providing municipal water. The City and YCWA have discussed the possibility of YCWA providing surface water or conjunctive use in the future.

The Wheatland Water District and Camp Far West Irrigation District boundaries overlap the existing Sphere of the City, although there is no duplication of services as the City does not provide irrigation water, and the districts are not providing municipal water.

The Wheatland Cemetery District boundary overlaps the majority of the City boundary and Sphere, with the exception of a portion in the southeast of the City annexed to Wheatland in 2006. There is no duplication of services within the overlap areas, as the City does not provide cemetery services.

The Yuba County Resource Conservation District boundaries overlap the majority of the City's Sphere, and portions of the City boundary that were annexed after 1973. There is no duplication of services within the overlap areas, as the City does not provide resource conservation services.

The Sutter-Yuba Mosquito and Vector Control District overlaps the entirety of the City's boundary and Sphere. There is no duplication of services within the overlap areas, as the City does not provide mosquito and vector abatement services.

LAFCO Staff is recommending the boundaries of the service providers mentioned above remain and no modifications made to their boundaries in this process. Of particular importance are the districts, which deliver agricultural water, which rely on water from the Yuba County Water Agency. Restricting the ability of agricultural water purveyors to use water to future beneficial uses may be shortsighted. These districts provide a vital function to both the City and County. In addition there are no duplication of services provided by these agencies.

### **City-County Meeting**

The mandatory meeting between representatives of the County and City occurred on January 13, 2011. While no agreement was reached the meeting was amicable and the proposed Sphere of Influence was discussed. The outcomes of this meeting and recommendations are provided below.

### **Sphere of Influence Recommendations:**

#### **Proposed City Sphere Territory**

A. The recommended Sphere of Influence includes the territory analyzed in the City's General Plan EIR as shown in the attached Figure 3 of the adopted Wheatland General Plan as well as the 50 acres included in the Browne Cattle Company parcel. Area A shown in attachment 1 is included in Wheatland Sphere of Influence including 77 acres analyzed in an addendum to the General Plan EIR recently prepared and approved by the City. Figure 4.2 of the Sphere Options Report (Attachment #1) includes the recommended Sphere of Influence as shown in yellow. These additional areas included are explained in further detail below.

An addendum to the City's General Plan EIR has been prepared and circulated to LAFCO and approved by the City in March 2011. The addendum analyzed the Browne Cattle Co. parcel of 50 acres and 77 acres of Area "A", which is included in the 2006 EIR. The territory also described below was analyzed in the Wheatland General Plan EIR so no addendum is required for Area #3. An explanation of the City's Proposed Sphere is as follows:

1. The territory within Sutter County as shown in Figure 4-2 of the Sphere Options Report (Attachment 1) as Area "B" should be included within the Wheatland Sphere of Influence and will not or cannot be annexed to the City until such time this territory is annexed to and part of Yuba County.
2. A small 50-acre bordered by Spenceville Road on the south and Dry Creek on the north in the northeast corner of the existing Sphere of Influence (see Attachment 3)). The existing Sphere of Influence cuts through this property.
3. The area delineated in Figure 4-2 of the Sphere Options Report (Attachment 1) as Area "A" shall also be included the Sphere of Influence. Area "A" contains two sub-areas of which both sub-areas should be included in the Sphere of Influence. The portion of Area A previously annexed to Yuba County is shown in Attachment 3. The remainder of Area A (i.e. that portion within Placer County the larger area) should also be included within the City's Sphere of Influence. However, territory within Placer County cannot be annexed to the City of Wheatland prior to being annexed into Yuba County.

### **Area of Concern**

B. An Area of Concern was proposed to apply to the area shown in Figure 4-2 of the Sphere Options Report (See Attachment 1). The definition of an "Area of Concern" is as follows:

- a) An Area of Concern is a geographic area beyond the Sphere of Influence in which land use decisions or other governmental actions of one local agency (the "Acting Agency") impact directly or indirectly upon another local agency ("the Concerned Agency"). For example, approval of a housing project developed to urban densities on septic tanks outside the city limits of a city and its sphere of influence may result in the city being forced subsequently to extend sewer services to the area to deal with septic failures and improve city roads that provide access to the development. The city in such situation would be the Concerned Agency with appropriate reason to request special consideration from the Acting Agency in considering projects adjacent to the City.
- b) Yuba LAFCo will notify any Concerned Agency when the Commission receives notice of a proposal of another acting agency in the Area of Concern to the Concerned Agency, and will give great weight to its comments. Yuba LAFCo will not provide notice if an acting agency does not itself provide notice to LAFCo.
- c) If requested, Yuba LAFCo will seek to obtain a Joint Powers Agreement or other commitment between the agencies so that the Acting Agency provides advance notice to the Concerned Agency of any actions, or projects being considered within the area of concern, and commits to considering any comments made by the Concerned Agency.

While, Yuba County routinely provides notice to the City of Wheatland regarding projects within the City's Sphere of Influence, the geographical area in which notices would be provided to the City would be expanded to include the Area of Concern as identified as SOI Option #2 in Attachment 1. This is the area included within the dotted blue line in the Sphere of Influence Options Report as Figure 4.2.

C. Specified territory currently in Sutter and Placer Counties will be within the City's Sphere of Influence although not for annexation. While within the Sphere of Influence, until the territory is annexed to Yuba County, the City will not receive a LAFCO approval for change of organization since the City is not allowed to annex territory within another county.

## Sphere of Influence Determinations

### **Present and Planned Land Uses**

The City bounds and Sphere encompass a wide range of land use areas including residential, commercial, schools, open space, and limited agriculture. Proposed developments within the City's existing bounds include Almond Estates, Heritage Oaks East and West, and Jones Ranch. These developments span 470 acres, and would add nearly 1,500 housing units to the City.

Planned land uses within the existing Sphere include the development areas of Johnson Rancho, Nichols Grove, Browne Cattle Co. and Eagle Meadows. The developments would add nearly 14,700 housing units on 4,700 acres, including over 300 acres of non-residential development. Currently these areas are zoned exclusive agricultural, with minimum 10-acre (AE-10) and 40-acre (AE-40) lots.

Land within the recommended Sphere outside of the existing Sphere is primarily undeveloped. Present land uses include open pasture, rice farming, row and orchard crops, and rural housing. The present County zoning designation of the area is exclusive agricultural with minimum 80-acre lots.

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

The City of Wheatland population has grown from 2,224 as reported in the 2000 Census to 3,510 in 2008. Urban services are not provided outside City boundaries. There is a probable need for urban services in the existing Sphere where development projects are planned and proposed.

There are no planned or proposed development projects within the recommended Sphere expansion area, so the probable need for public facilities in the near future is limited. Within the recommended Area of Concern, there are planned and proposed development projects, where there would be a need for public facilities if those projects were approved.

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

The City of Wheatland provides water, sewer, drainage, fire, emergency medical, law enforcement, street maintenance, park, and planning services.

The City has managed to provide adequate service levels despite financial constraints, with some exceptions. The City provides a fire service level of two paid staff manning three stations—the City's fire station and two PBFPD stations—during daytime hours on week days when call

firefighters are less abundant. Property crime clearance rates could be improved. Recreation services are not presently offered. The City requires additional capital financing to meet wastewater regulatory standards, and had raised approximately 10 percent of funding for a new sewer treatment plant as of FY 07-08; funding progress since 2005 has been affected by the housing downturn.

The City has substantial infrastructure needs to accommodate future growth. Levees need to be improved to 200-year flood protection standards and certified by 2015. The wastewater plant lacks capacity to serve expansion. The City requires additional capital financing to meet wastewater regulatory standards, and to fund a new sewer treatment plant. Additional capital financing is needed for street improvements and to fund a highway bypass for the area. The City has conducted extensive capital planning and imposed development fees and requirements to finance planned facility needs.

### **Existence of Any Social or Economic Communities of Interest**

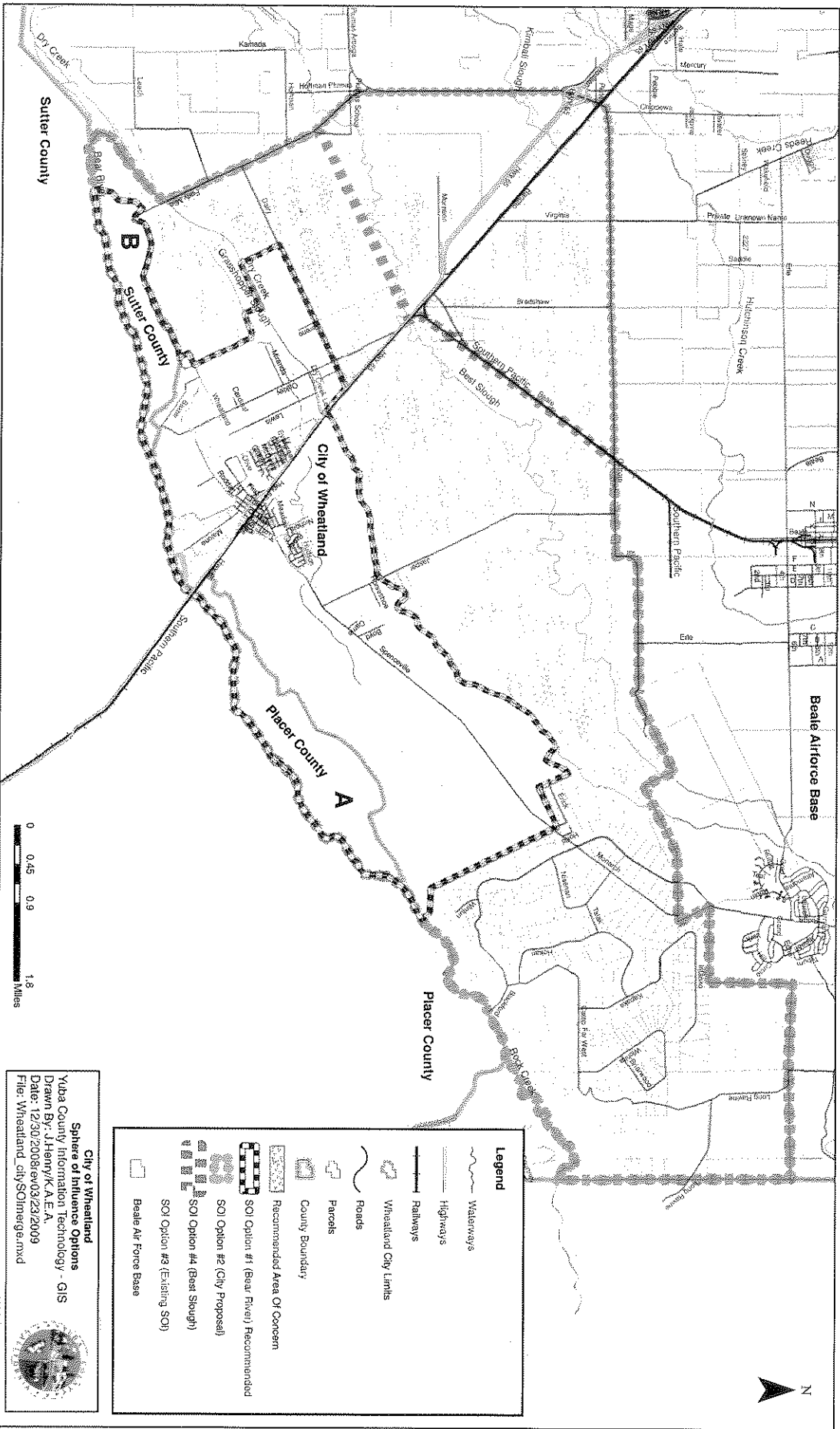
Within the boundary area, the community of interest is the residents of the City of Wheatland. This will eventually include the planned developments of Almond Estates, Heritage Oaks East and West, and Jones Ranch. Within the existing Sphere area outside of the City limits, communities of interest include the various planned and proposed development projects, including the Johnson Rancho, Nichols Grove and Eagle Meadows developments. Within the recommended Sphere expansion area, communities of interest include rural residences and farming operations.

### **Recommendation:**

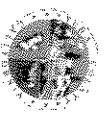
Adopt Resolution 2011-0004 affirming the findings in the Certified Environmental Impact Report for the City of Wheatland's General Plan and the Addendum prepared in March 2011, adopting an Area of Concern and adopting a Sphere of Influence Update for the City of Wheatland.

Fig. 4-2

City of Wheatland - Sphere of Influence Options



**City of Wheatland**  
**Sphere of Influence Options**  
 Yuba County Information Technology - GIS  
 Drawn By: J. Henry/K.A.E.A.  
 Date: 12/30/2008/ev03/23/2009  
 File: Wheatland\_city\_SOImerge.mxd



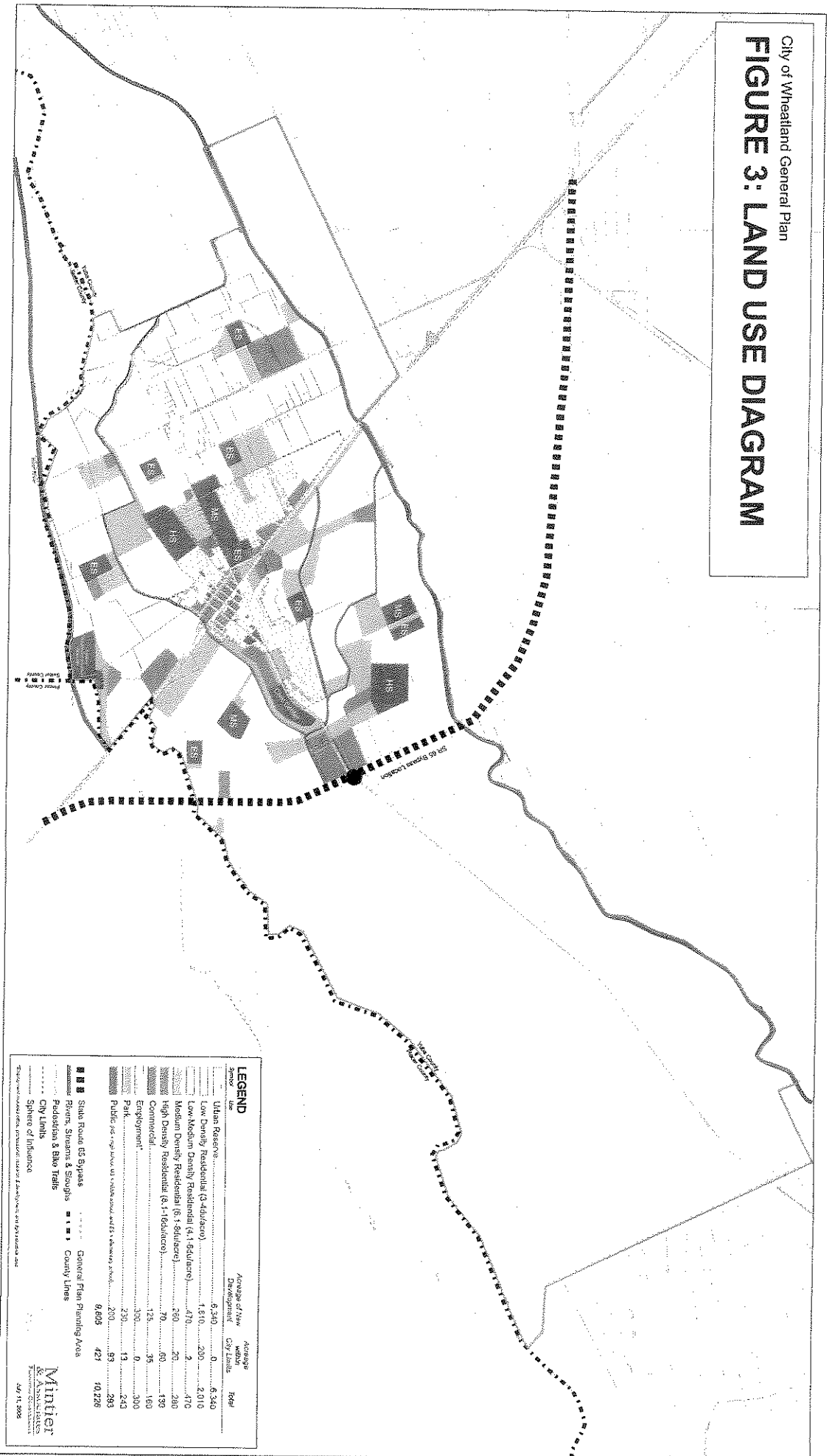
**Legend**

- Waterways
- Highways
- Railways
- Wheatland City Limits
- Roads
- Parcels
- County Boundary
- Recommended Area Of Concern
- SOI Option #1 (Beale River) Recommended
- SOI Option #2 (City Proposal)
- SOI Option #4 (Beale Slough)
- SOI Option #3 (Existing SOI)
- Beale Air Force Base



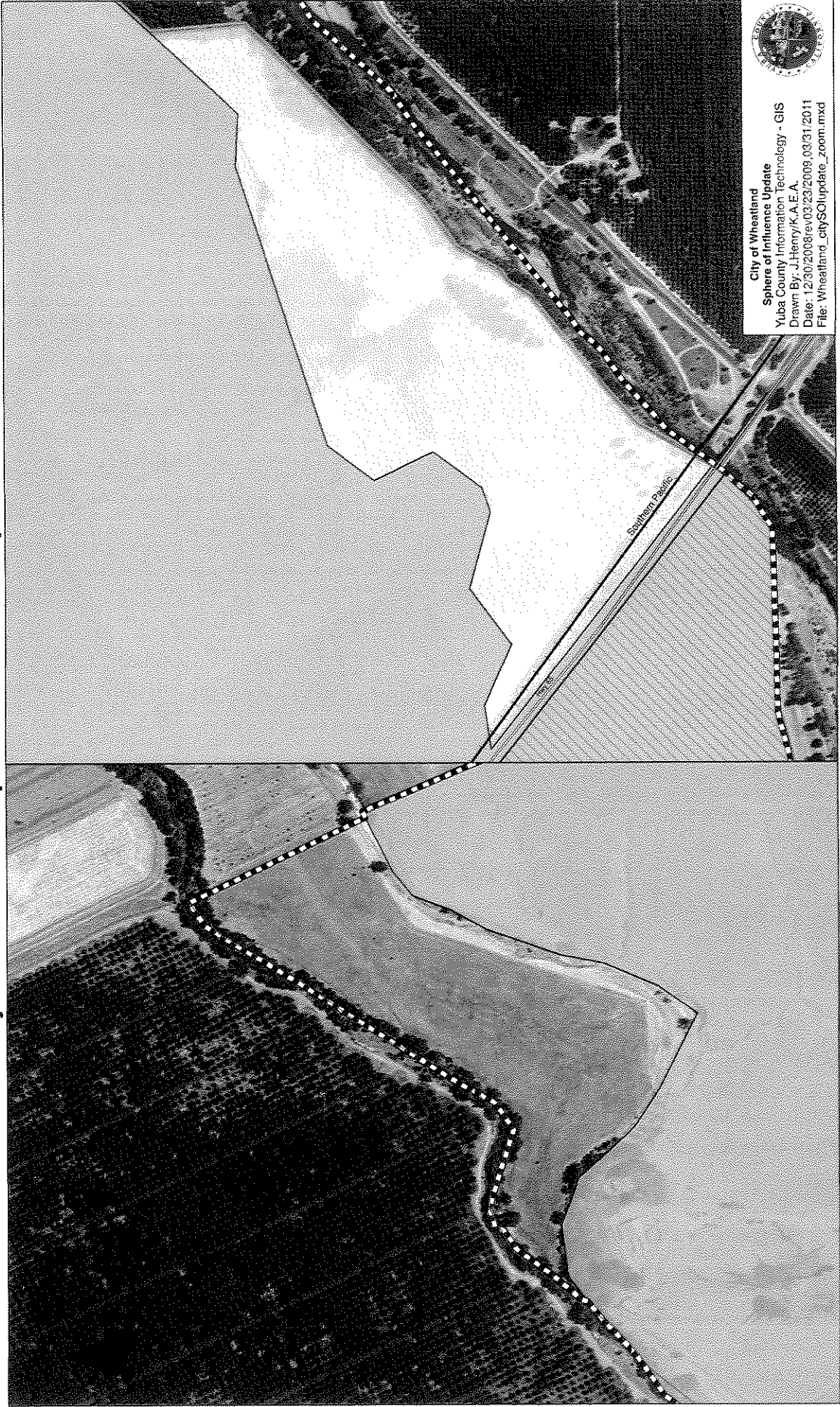
City of Wheatland General Plan

# FIGURE 3: LAND USE DIAGRAM



Yuba LAFCO

# City of Wheatland - Sphere of Influence Update - DETAILS



# **CEQA Addendum to the City of Wheatland General Plan Draft and Final Environmental Impact Report**

Prepared for  
the City of Wheatland



December 2010

Prepared by



## ADDENDUM TO THE CITY OF WHEATLAND GENERAL PLAN DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORT

### CEQA Requirements

This document has been prepared as an Addendum to the 2006 City of Wheatland General Plan Draft and Final Environmental Impact Report (SCH# 2005082022) in accordance with the CEQA Guidelines, Section 15164. CEQA Guidelines Section 15164(a) states, “The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Pursuant to Section 15164(e) a brief explanation is provided herein documenting the City’s decision that preparation of a subsequent EIR is not required.

The CEQA Guidelines Sections 15164(c) and (d) state that an addendum need not be circulated for public review, but can be included or attached to the Final EIR or adopted negative declaration and the decision-making body shall consider the addendum with the Final EIR or adopted negative declaration prior to making a decision on the project.

Section 15162 (which is based on Public Resources Code Section 21166) provides that no subsequent or supplemental EIR shall be required unless “substantial changes” in the project or the circumstances under which the project is being undertaken will necessitate, “major revisions” of the EIR, or “new information” which was not known and could have not been known at the time the EIR was certified, becomes available.

The requirements of the CEQA Guidelines are described in more detail in the matrix below. With the proposed City of Wheatland Sphere of Influence (SOI) Amendment (described below), use of an Addendum is an appropriate means for the City to evaluate and memorialize that the SOI Amendment does not trigger the need for additional environmental review under Section 15162.

This addendum demonstrates that the circumstances, impacts, and mitigation measures identified in the City of Wheatland General Plan Draft and Final EIR remain substantively unchanged by the situation described herein, and supports the finding that the proposed SOI Amendment does not raise any new issues and does not cause the level of impacts identified in the previous EIR to be exceeded.

### Background

City of Wheatland staff recently reviewed the City SOI boundaries and found irregularities which are described below in the Project Description. The City therefore has decided to package these proposed SOI changes into this Cleanup Sphere of Influence Amendment. The City of Wheatland is seeking to appropriately document the changes that have been proposed with the

Cleanup Sphere of Influence Amendment as it relates to the City of Wheatland General Plan Draft and Final EIR.

#### Bear River Hop Farm Property SOI Amendment

The Bear River Hop Farm Property SOI amendment area is surrounded in full by agricultural land uses. The current Yuba County zoning designation for the area is Valley Agriculture and the current City of Wheatland land use designation is Urban Reserve. Surrounding land use designations, according to the Wheatland General Plan, include Low Density Residential and Medium Density Residential.

#### Browne Cattle Company Property SOI Amendment

Similar to the Bear River Hop Farm Property SOI amendment area, the Browne Cattle Company Property SOI amendment area is surrounded by agricultural land uses. A rural residential area lies to the east of the area. The current Yuba County zoning designation of the Browne Cattle Company property SOI amendment area is Valley Agriculture and the current City of Wheatland land use designation is Urban Reserve.

### **Project Description**

The City of Wheatland has initiated a Cleanup Sphere of Influence (SOI) Amendment. The following are detailed descriptions of each of the two components of the proposed project. See Figure 1 and Figure 2 for the general project location.

#### Bear River Hop Farm SOI Amendment

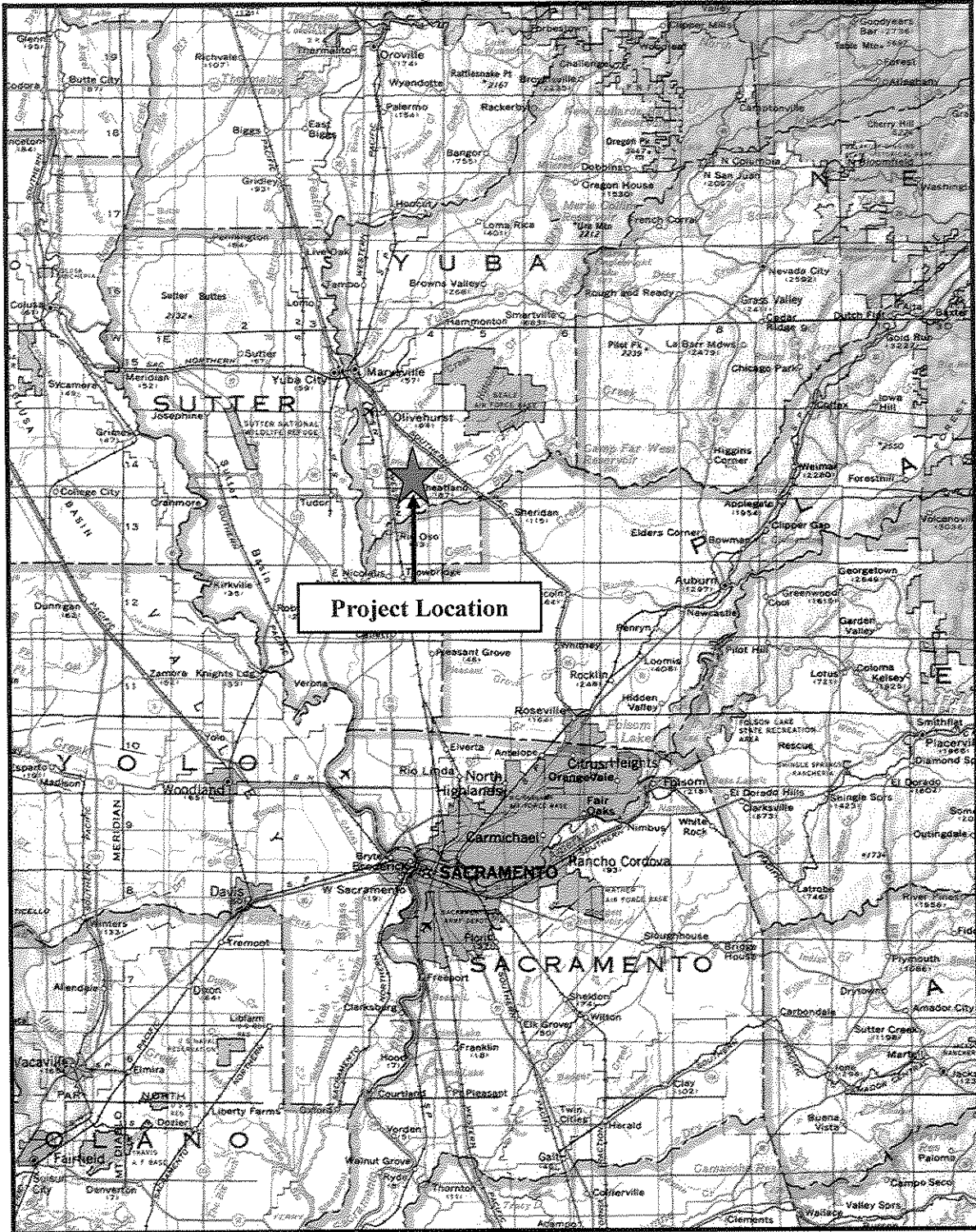
Several years ago, the Counties of Yuba and Placer agreed to change the boundary between the two counties to coincide with the past movement and current location of the Bear River. However, through oversight, the City SOI boundary was not concurrently adjusted to the south to match the change of the Yuba County line. The existing SOI cuts through the Bear River Hop Farm property, leaving approximately 68 acres of the southern portion of the property within Yuba County, but not included in the Wheatland SOI.

The Bear River Hop Farm property is south and east of the City of Wheatland within Yuba County (See Figure 3). The property is bordered by the Union Pacific Railroad to the west, the Wheatland Hop Farm property to the north, AKT Wheatland Ranch property to the east, and the Bear River along the south. Amending the SOI to match the County line and include the whole property would be an appropriate and logical boundary adjustment.

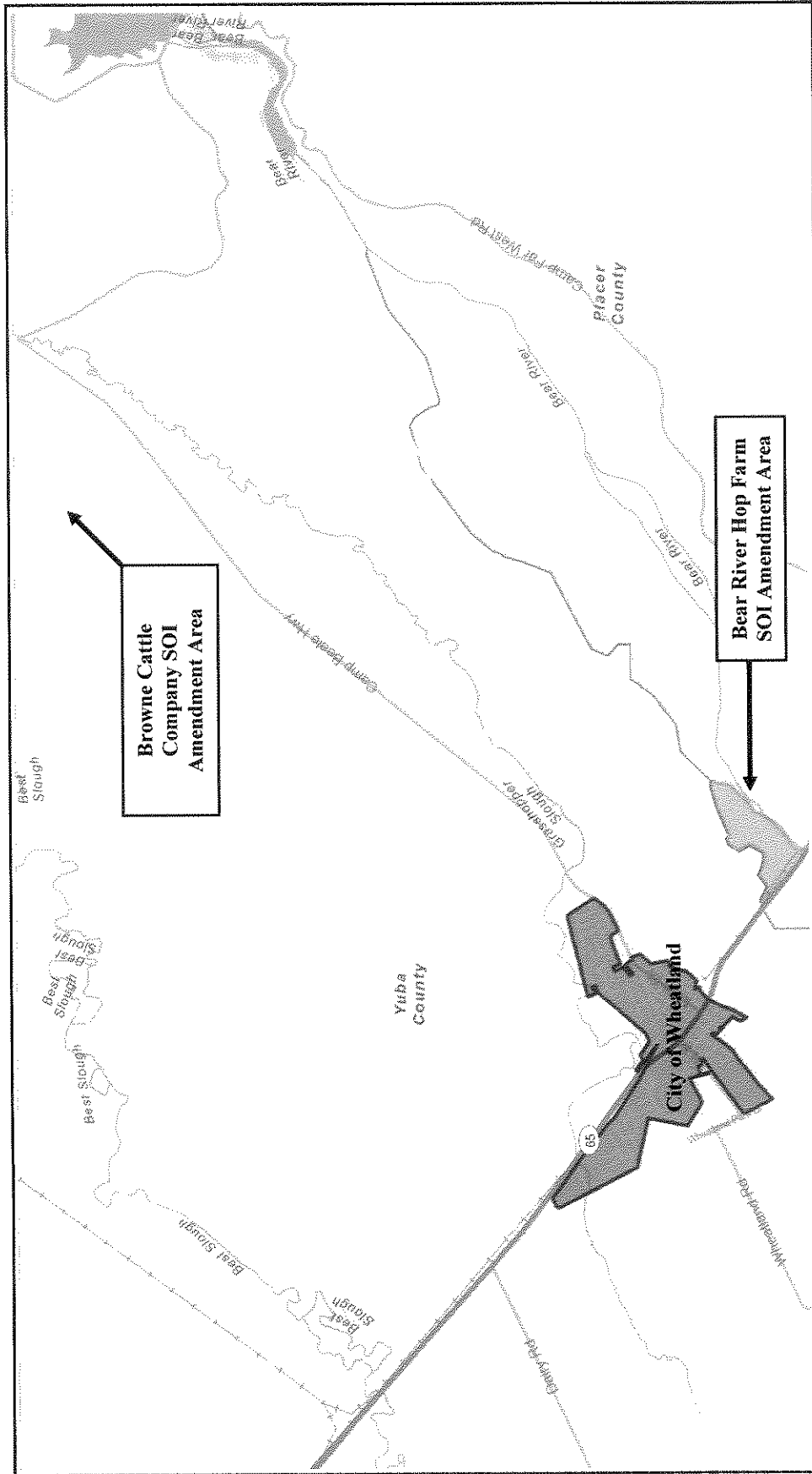
#### Browne Cattle Company SOI Amendment

The Browne Cattle Company owns a ranch north and east of the City of Wheatland, within Yuba County (See Figure 4), bordered by Spenceville Road on the south and Dry Creek on the north. Dry Creek, in the area of the Browne Cattle Company ranch, splits into two forks, a north fork and south fork. When the SOI was established, the boundary followed Dry Creek.

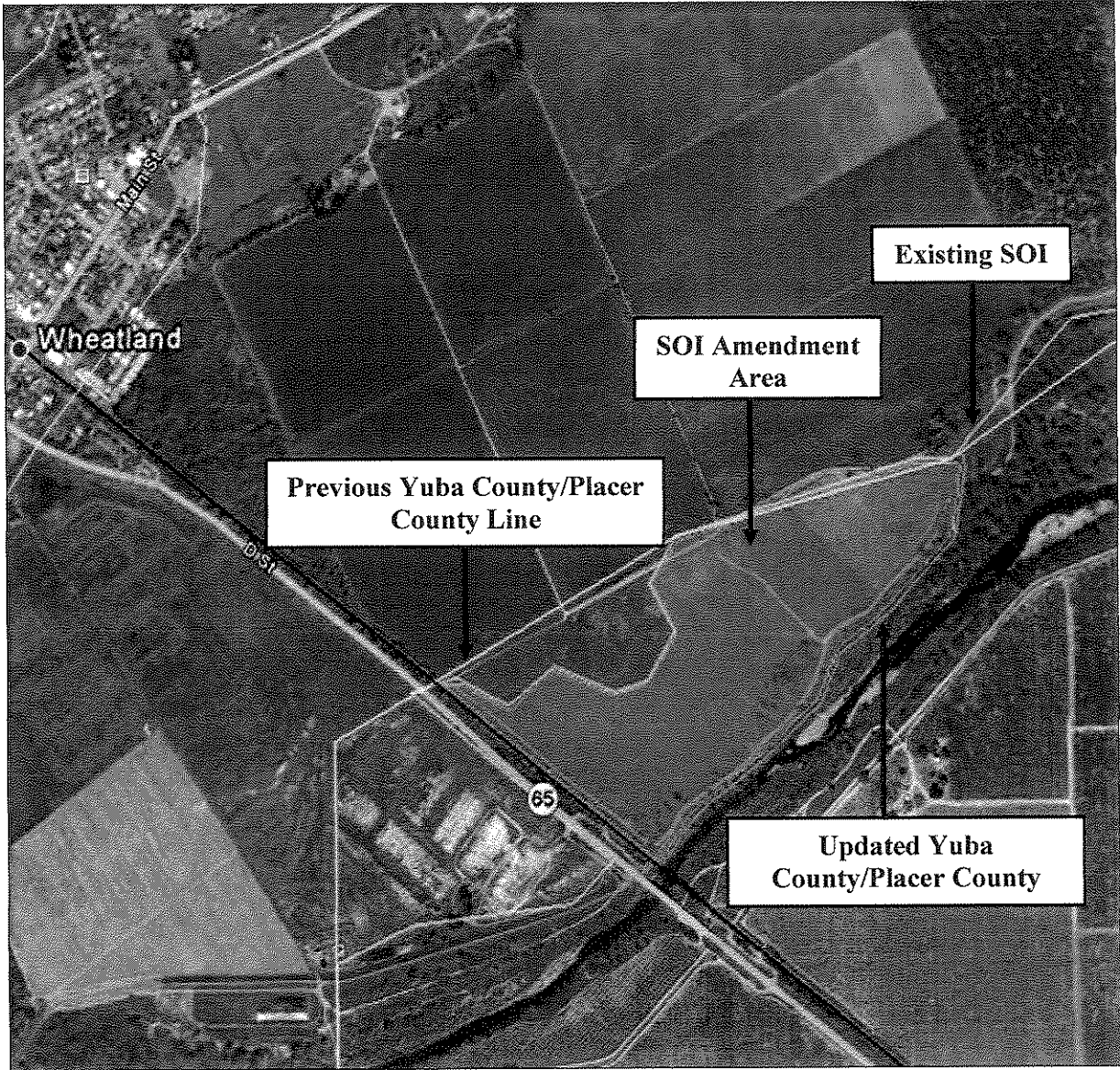
Figure 1  
Regional Location



**Figure 2**  
**Project Location**

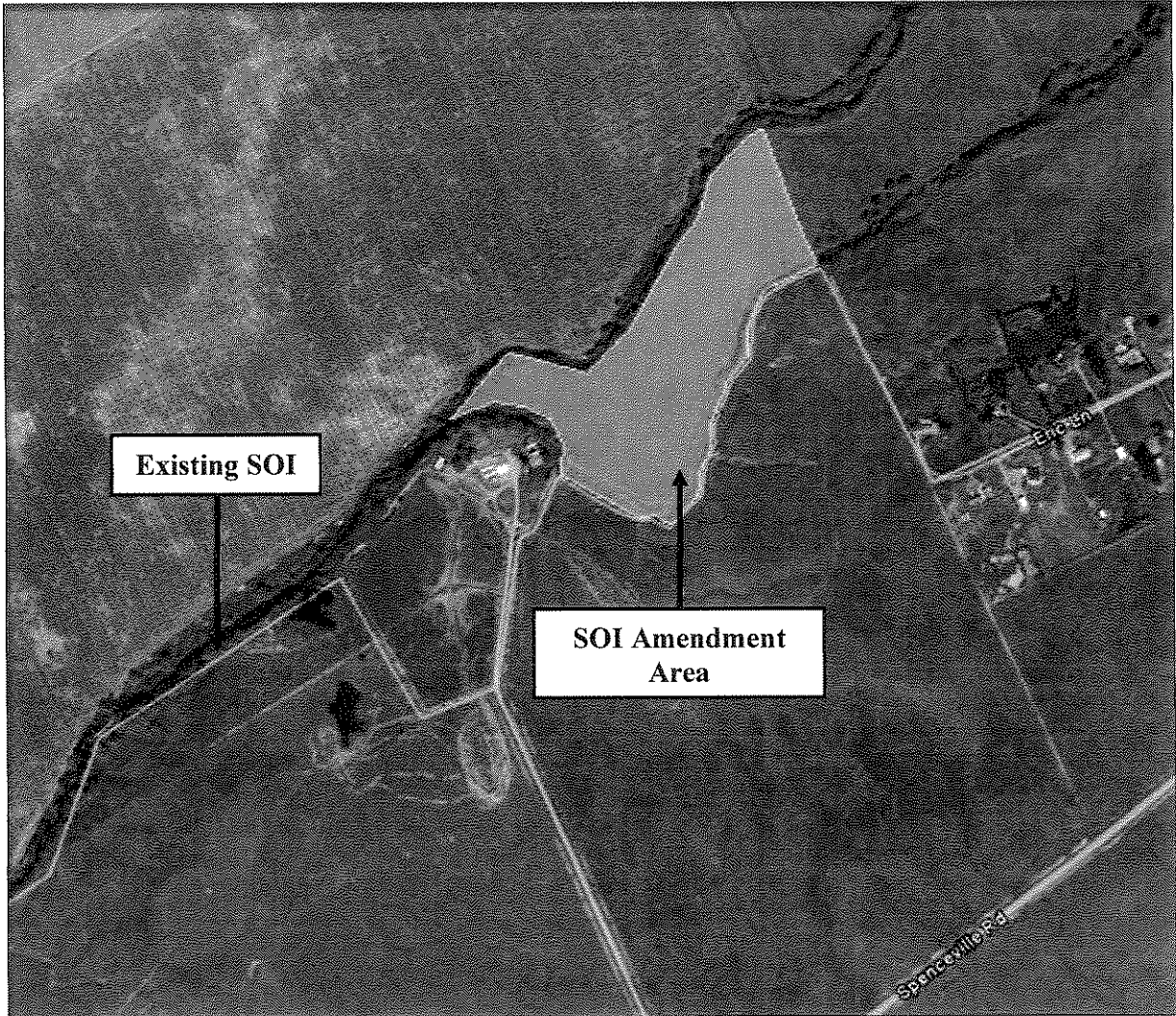


**Figure 3**  
**Bear River Hop Farm SOI Amendment Area**





**Figure 4**  
**Browne Cattle Company SOI Amendment Area**



However, at the fork, adjacent to the ranch, the SOI followed the south fork of Dry Creek. Therefore, the current SOI cuts through the Browne Cattle Company property, leaving an approximate 50-acre portion on the northern tip of the property between the two forks not included in the Wheatland SOI. The SOI should have followed the north fork of Dry Creek and ranch boundary and should not have split the ranch. Amending the SOI to include this area would be a logical adjustment.

### **Determination**

In review of the this Cleanup Sphere of Influence Amendment, staff has concluded that the project does not represent a substantive change in the approval of the City of Wheatland General Plan as analyzed under the City of Wheatland General Plan Draft and Final EIR. Similarly, all impacts and standards of significance described in the City of Wheatland General Plan Draft and Final EIR are applicable to the Cleanup Sphere of Influence Amendment. Mitigation measures adopted with the City of Wheatland General Plan Draft and Final EIR likewise apply.

According to the City of Wheatland General Plan Draft and Final EIR, implementation of the proposed project is anticipated to result in significant impacts in the areas of aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology, hazards and hazardous materials, hydrology and water quality, land use, noise, population, employment, and housing, public services, recreation, transportation and circulation, and utilities/service systems. The EIR has concluded that project impacts can likely be fully mitigated except in the following areas:

- Development associated with the proposed General Plan Update would convert Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural use;
- Development associated with the proposed General Plan Update would involve other changes in the existing environment, which could result in conversion of Farmland to non-agricultural use;
- Construction activities associated with buildout of the General Plan Update Study Area;
- Regional Emissions Increases;
- Development associated with the proposed General Plan Update would result in the removal of substantial flora and fauna habitat;
- Development associated with the proposed General Plan Update would result in impacts to Swainson's hawk foraging habitat within the General Plan study area;
- Noise impacts associated with increased traffic on City streets resulting from buildout of the General Plan Update study area;
- Development associated with the proposed General Plan Update would result in the increase of traffic volumes; and
- Cumulative Traffic Impacts.

None of the significant environmental impacts identified above in the City of Wheatland General Plan Draft and Final EIR are worsened due to the proposed SOI amendment as part of the application. As noted above, the SOI amendment areas were inadvertently excluded from the existing SOI boundaries, but were analyzed for inclusion in the City of Wheatland General Plan

Draft and Final EIR, and therefore inclusion of two areas would be consistent with the City of Wheatland General Plan Draft and Final EIR.

The proposed SOI amendment would not result in any land use changes or physical impacts. Any future development of the amendment areas would require annexation, prezone, including site specific CEQA review. In addition, the City of Wheatland General Plan Draft and Final EIR requires that each development application include project-level and property-specific technical analysis to demonstrate consistency with the performance thresholds in the City of Wheatland General Plan Mitigation and Monitoring Plan. In addition, prior to development, annexation and prezone of the site will be required with additional site specific studies prepared in compliance with CEQA.

In order to assess whether additional CEQA review is required for the Cleanup Sphere of Influence Amendment, an analysis of CEQA Guidelines Section 15162 has been prepared. The matrix below provides verbatim wording from the CEQA Guidelines and a corresponding analysis of the applicability of each section to the proposed Cleanup Sphere of Influence Amendment.

Based on this analysis, the City has determined that the SOI Amendment does not trigger the need for a subsequent or supplemental EIR because there have not been substantial changes in the General Plan project, changes in project circumstances or new information that would require additional environmental review under the standards of CEQA Guidelines section 15162.

**Table 1**

**Comparison of 15162 CEQA Requirements and Project**

**Relationship to Request**

**CEQA Requirement (Section 15162)**

<p>(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:</p> <p>(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;</p>	<p>The current General Plan, in accordance with the City of Wheatland General Plan Draft and Final EIR, evaluated the project sites for inclusion in the City Sphere of Influence. Therefore, amendment of the SOI would not result in substantial changes or new information requiring a subsequent EIR. The information below summarizes the substantial evidence in support of the City's determination that the preparation of a Subsequent EIR is not required.</p>
<p>(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;</p>	<p>The proposed Cleanup Sphere of Influence Amendment to the City of Wheatland General Plan Draft and Final EIR would include two SOI amendments for a total of 118 acres of land at two separate locations, 68 acres of the Bear River Hop Farm property; and 50 acres of the Browne Cattle Company property. The proposed amendment does not include changes to operations on the sites or land use identified in the General Plan; therefore, the SOI amendment would not generate any additional impacts related to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, or utilities and service system beyond those already identified within the General Plan Update EIR.</p>
	<p>Furthermore, the two SOI amendment areas are designated Urban Reserve in the City of Wheatland General Plan and were considered in the EIR analysis for incorporation in the SOI as Urban Reserve. However, due to oversight, the current SOI boundary does not include the project sites.</p> <p>The City of Wheatland General Plan Draft and Final EIR requires that each development application include project-level and property-specific technical analysis to demonstrate consistency with the performance thresholds in the City of Wheatland General Plan Mitigation and Monitoring Plan. In addition, prior to development, annexation and prezone of the sites will be required with additional site specific studies prepared in compliance with CEQA.</p>

Table 1

Comparison of 15162 CEQA Requirements and Project

CEQA Requirement (Section 15162)	Relationship to Request
	<p><b>Conclusion</b></p> <p>Because the proposed project sites were analyzed in the City of Wheatland General Plan Draft and Final EIR, the SOI changes proposed are not substantial and would not require major revisions. Furthermore, the proposed changes would not create new or significant environmental effects which have not already been analyzed.</p>
<p>(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or</p>	<p>Because the proposed land uses are not being modified from what was analyzed in the previous EIR and the designation of Urban Reserve would remain, and because conditions have not changed much since 2006, the circumstances under which the project is undertaken have not changed substantially, and would not require major revisions to the City of Wheatland General Plan Draft and Final EIR. Furthermore, as described above, the proposed changes would not create new or significant environmental effects beyond those anticipated in the City of Wheatland General Plan Draft and Final EIR.</p>
<p>(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:</p>	<p>The SOI includes adjustment of the SOI and does not provide new information of substantial importance. All previously identified impacts in the City of Wheatland General Plan Draft and Final EIR would occur with implementation of the Cleanup Sphere of Influence Amendment.</p>
<p>(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;</p>	<p>See response under (1) above. New significant effects would not occur.</p>
<p>(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;</p>	<p>See response under (1) above. Significant effects will not be more severe than identified in the City of Wheatland General Plan Draft and Final EIR.</p>
<p>(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would</p>	<p>The status of mitigation measures in the City of Wheatland General Plan Draft and Final EIR would not change as a result of the proposed Sphere of Influence changes.</p>

**Table 1  
Comparison of 15162 CEQA Requirements and Project  
Relationship to Request**

<b>CEQA Requirement (Section 15162)</b>	<b>Relationship to Request</b>
<p>substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or</p>	
<p>(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.</p>	<p>Mitigation measures analyzed in the City of Wheatland General Plan Draft and Final EIR would remain unchanged. New mitigation that would substantially reduce impacts more than the City of Wheatland General Plan Draft and Final EIR are not available, because the proposed SOI amendment would not result in any physical changes to the environment and the sites were included as Urban Reserve in the GP EIR.</p>
<p>(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.</p>	<p>The City of Wheatland, as the lead agency, determined the project would not result in substantial changes or circumstances after adoption of the City of Wheatland General Plan Draft and Final EIR that would require the preparation of a subsequent EIR. As a result, the City of Wheatland, as the lead agency, has determined that an Addendum to the City of Wheatland General Plan Draft and Final EIR is the appropriate documentation prepared for the project.</p>
<p>(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any.</p>	<p>The City of Wheatland General Plan was approved July 11, 2006. None of the conditions as described in subdivision (a) have occurred. As such, a new EIR would not be required.</p>

**Table 1**

**Comparison of 15162 CEQA Requirements and Project**

**Relationship to Request**

**CEQA Requirement (Section 15162)**

In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

A subsequent EIR or Negative Declaration is not required and therefore, an additional public review period pursuant to CEQA Guidelines sections 15087 and 15072 would not be necessary.

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

**IN RE:**

<b>RESOLUTION APPROVING A SPHERE OF</b>	)	
<b>INFLUENCE UPDATE FOR THE CITY</b>	)	
<b>OF WHEATLAND</b>	)	<b>RESOLUTION NO. 2011-0004</b>

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

**WHEREAS**, the Yuba Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the City of Wheatland; and

**WHEREAS**, the Commission has set the hearing date of April 14, 2011 for the update of the Sphere of Influence for the City of Wheatland and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56427, *et seq.*; and

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

**WHEREAS**, the City of Wheatland prepared, made findings and certified an Environmental Impact Report for the City of Wheatland General Plan and adopted City of Wheatland Resolution 25-06 on July 11<sup>th</sup> 2006 thereby making findings and adopting a statement of overriding considerations. The EIR for the City’s General Plan analyzed the Sphere of Influence territory in addition to the territory within the City Boundaries.

**WHEREAS**, the City of Wheatland prepared and adopted Resolution #04-11 on March 22<sup>nd</sup>, 2011, a resolution approving a CEQA addendum to the City of Wheatland General Plan and Final Environmental impact Report for the cleanup Sphere of Influence amendment to the City of Wheatland to include the Browne Cattle Company (Approximately 50 acres) and Bear River Hop Farm (approximately 77 acres).

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

**WHEREAS**, the Commission has considered those factors determined by it to be relevant to the proposed Sphere of Influence update, including, but not limited to, those factors specified in Government Code Section 56425(e), and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

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

1. That the proposed sphere of influence update with respect to City of Wheatland complies with the provisions of Government Code Section 56000, *et seq.*



2. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study are attached hereto and incorporated herein.
3. That the Sphere of Influence Update Report including determinations and Map for the City of Wheatland's updated Sphere of Influence/Area of Concern is hereby adopted and approved as set forth in Exhibits "A" and "B" and "C"
4. The Commission makes a specific finding that there has been no changes or could have been no changes since the city certified the Environmental Impact Report for its General Plan on July 11, 2006 and no changes or could have been no changes since the city adopted an addendum prepared for the City's Sphere of Influence adopted on March 22<sup>nd</sup>, 2011 and hereby affirms the City's adopted certified Environmental Impact Report and addendum as well as its adopted findings for this Sphere of Influence Update.
5. LAFCO will not consider annexations of lands currently within Sutter and Placer Counties to the City of Wheatland until territory is annexed to the County of Yuba.
6. LAFCO hereby establishes an Area of Concern for the City of Wheatland to include the geographic area shown in Exhibit "C" .
7. All previously adopted Sphere of Influence documents, sphere maps, limited or otherwise, and determinations are hereby repealed in favor of this Sphere of Influence Update.

**PASSED AND ADOPTED** at a regular meeting of the Yuba Local Agency Formation Commission, State of California, on the 14<sup>th</sup> day of April 2011, by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

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Mary Jane Griego, Chair  
YUBA LOCAL AGENCY  
FORMATION COMMISSION

ATTEST: JOHN BENOIT  
EXECUTIVE OFFICER

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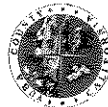
APPROVED AS TO FORM:

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MICHAEL G. COLONTUONO  
LAFCO COUNSEL

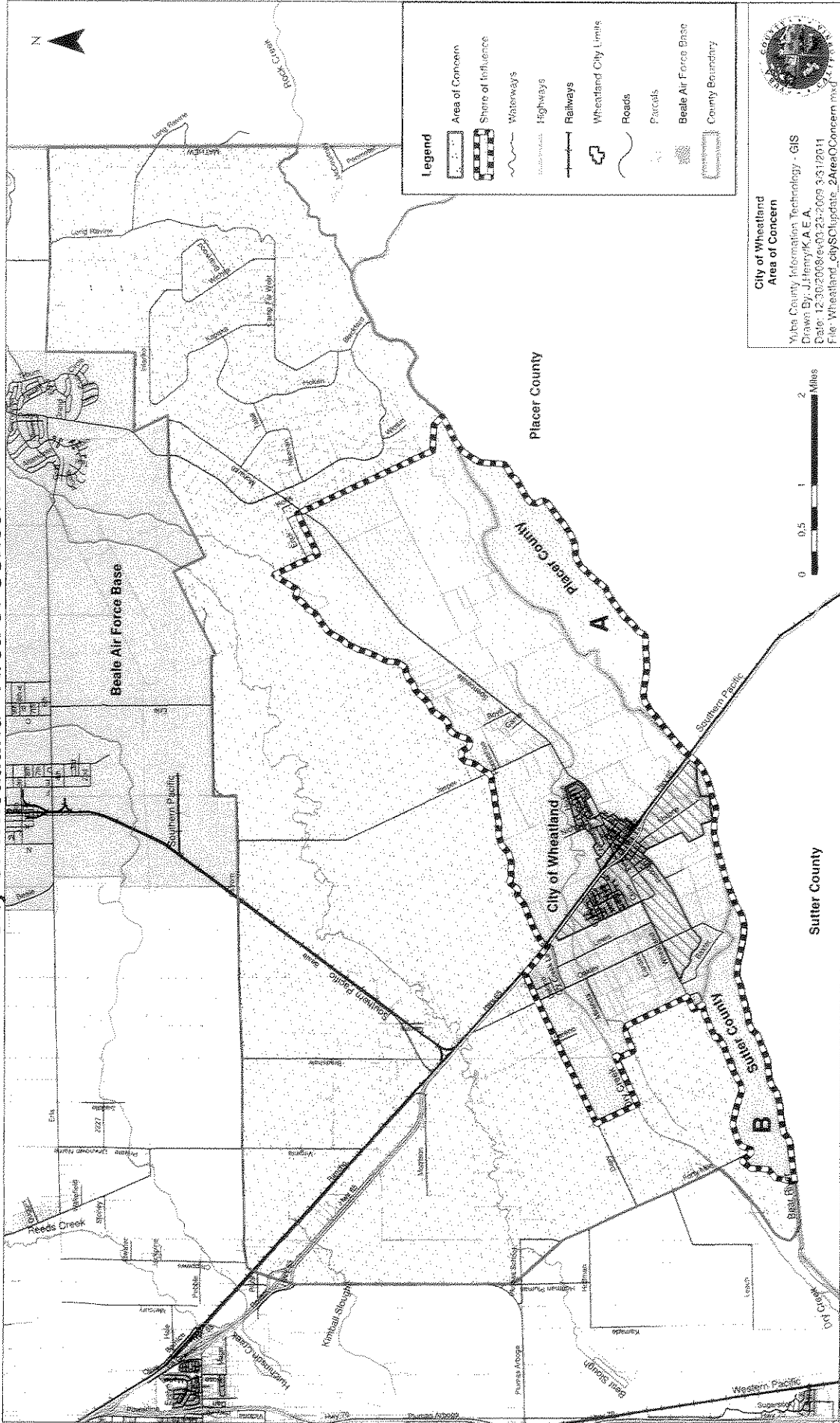
**Yuba LAFCO - Exhibit B**  
**City of Wheatland - Sphere of Influence Update**



  
**City of Wheatland**  
 Sphere of Influence Update  
 Yuba County Information Technology - GIS  
 Drawn By: J.Henry/K.A.E.A.  
 Date: 12/30/2008rev03/23/2009 3/31/2011  
 File: Wheatland\_citySOIupdate\_2.mxd

Adopted \_\_\_\_\_, Resolution # \_\_\_\_\_, Yuba LAFCO

Yuba LAFCO - Exhibit C  
**City of Wheatland - Area of Concern**



**City of Wheatland**  
**Area of Concern**

Yuba County Information Technology - GIS  
 Drawn By: J. Henry/K.A.E.A.  
 Date: 12/30/2008/rev:03/23/2009 8:31:20:11  
 File: Wheatland\_CitySIGUpdate\_2AreaOfConcern.mxd

Adopted \_\_\_\_\_ Resolution # \_\_\_\_\_, Yuba LAFCO