

Olivehurst Public Utility District



Agenda Item Staff Report

Meeting Date: October 17, 2019

Item description/summary:

Consider approving Environmental Findings Required for OPUD Sphere of Influence and Annexation Project (Strategic Plan 1.0 and 5.2). This item has been discussed extensively in committee and with other local agencies including Yuba County LAFCO and the County of Yuba. The CEQA process for the annexation of the Industrial, Sports and Entertainment Zone for the provision of water, sewer and parks services and the corresponding expansion of OPUD's Sphere of Influence requires the adoption by the OPUD Board of Directors of various environmental determinations (attached hereto) confirming (a) that there are no grounds that require OPUD to supplement the existing Yuba County Environmental Impact Report (EIR) adopted in connection with Yuba County's 2030 General Plan, (b) that OPUD's proposed expansion of its service area does not constitute substantial changes that require major revisions to the existing EIR, and (c) that OPUD has independently considered and hereby adopts Yuba County's environmental findings required by State CEQA Guidelines as its own in approving the Sphere of Influence Amendment and Annexation.

Fiscal Analysis:

No incremental cost to existing Olivehurst taxpayers for the provision of these services.

Employee Feedback

Very positive.

Sample Motion:

Move to approve the attached Environmental Findings Required for OPUD Sphere of Influence and Annexation Project.

Prepared by:

Deirdre Joan Cox, Esq., OPUD Legal Counsel

Section 1. Environmental Findings

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

1. On June 7, 2011, Yuba County adopted the Yuba County 2030 General Plan to guide future urban and rural development in unincorporated areas of the County, including the provision of utilities necessary to serve planned urban and rural uses.
2. Yuba County, as the CEQA lead agency for the approval and implementation of the 2030 General Plan, prepared and certified an Environmental Impact Report (EIR) for the 2030 General Plan evaluating the direct and indirect environmental effects of constructing and operating future development, including the provision of public utilities and recreation services, throughout unincorporated Yuba County.
3. In certifying the 2030 General Plan EIR, Yuba County made Findings of Fact, as required by CEQA, including those related to the significance of impacts, the appropriateness and effectiveness of mitigation measures, the feasibility and effectiveness of alternatives to the 2030 General Plan, and statements of overriding considerations regarding significant impacts. Yuba County also adopted a Mitigation Monitoring and Reporting Program.
4. OPUD finds that the proposed Sphere of Influence and Annexation project is consistent with the land use designations, goals, and policies of the Yuba County 2030 General Plan as assessed in the General Plan EIR and that all parcels included in the proposed project are designated for urban or agricultural supporting uses.
5. As a Responsible Agency under CEQA, OPUD has independently reviewed and considered the Final EIR for the Yuba County 2030 General Plan, which includes an analysis applicable to this provision of public utility and recreation services. The Final EIR consists of the following:
 - a. The Draft EIR prepared by Yuba County as Lead Agency.
 - b. Comments and recommendations received on the Yuba County Draft EIR.
 - c. The responses of the Lead Agency to significant environmental points that arose both during and after the review and consultation process.
 - d. A Mitigation Monitoring Reporting Plan.
6. OPUD certifies that it has held a duly noticed public hearing and heard testimony and received written comments from affected agencies at a noticed public hearing and has responded to those comments.
7. OPUD makes a specific finding that there are no grounds that require OPUD to supplement the County's EIR under PRC 21166 and State CEQA Guidelines Sections 15162 and 15163. There have been no changes in physical

circumstances since the County certified the EIR for its General Plan and adopted Resolution 2011-0046 on June 7, 2011. OPUD is proposing to expand its service area from that considered in the County's EIR, but those changes do not constitute substantial changes in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (15162(a)(1)). Those changes and specific findings with regard to those changes are as follows:

- a. OPUD seeks to provide future water, wastewater, and recreation services as required for future urban and rural development to 52 parcels comprising 3022 acres within and adjacent to OPUD's Sphere of Influence (SOI) consistent with the goals and policies of the Yuba County 2030 General Plan. 257 acres of the 3022 are NOT in OPUD's current SOI and will require a minor amendment to OPUD's SOI, which amendment is presently being processed by Yuba County LAFCO.
 - b. OPUD finds that the area proposed for OPUD public utility and recreation services is within an area identified by the 2030 General Plan for urban and rural agricultural support uses whose environmental effects were evaluated in the General Plan EIR.
 - c. OPUD finds that in identifying an expanded area in which OPUD may provide public utility and recreation services, the future need for such services is subject to the ultimate and sole land use authority of Yuba County, and that no services are being offered at this time, nor are any facilities being constructed to serve the expanded OPUD service area.
8. OPUD hereby affirms in accordance with CEQA Guidelines Section 15090 the County's adopted certified EIR as well as its adopted findings for this Sphere of Influence Amendment and Annexation in order to provide utility and recreation services to the Industrial, Sports and Entertainment Zone.
 9. In accordance with CEQA Guidelines Section 15090, the Final EIR reflects the Lead Agency's independent judgment and analysis.
 10. OPUD has independently considered and hereby adopts the Yuba County's environmental findings required by State CEQA Guidelines Section 15091 and Statement of Overriding Considerations required by Section 15093, which are incorporated by reference hereto as its own in approving the Sphere of Influence Amendment and Annexation.

Section 1. Environmental Findings

The OPUD board has made the following environmental determinations:

1. On June 7, 2011, Yuba County adopted the Yuba County 2030 General Plan to guide future urban and rural development in unincorporated areas of the County, including the provision of utilities necessary to serve planned urban and rural uses.
2. Yuba County, as the CEQA lead agency for the approval and implementation of the 2030 General Plan, prepared and certified an Environmental Impact Report (EIR) for the 2030 General Plan evaluating the direct and indirect environmental effects of constructing and operating future development, including public utilities, throughout unincorporated Yuba County.
3. In certifying the 2030 General Plan EIR, Yuba County made Findings of Fact, as required by CEQA, including those related to the significance of impacts, the appropriateness and effectiveness of mitigation measures, the feasibility and effectiveness of alternatives to the 2030 General Plan, and statements of overriding considerations regarding significant impacts. Yuba County also adopted a Mitigation Monitoring and Reporting Program.
4. The OPUD finds that the proposed Sphere of Influence and Annexation project is consistent with the land use designations, goals, and policies of the Yuba County 2030 General Plan as assessed in the General Plan EIR and that all parcels included in the proposed project are designated for urban or agricultural supporting uses.
5. As a Responsible Agency under CEQA, OPUD has independently reviewed and considered the Final EIR for the Yuba County 2030 General Plan, which includes an analysis applicable to this provision of utility services. The Final EIR consists of the following:
 - a. The Draft EIR prepared by Yuba County as Lead Agency
 - b. Comments and recommendations received on the Yuba County Draft EIR.
 - c. The responses of the Lead Agency to significant environmental points that arose both during and after the review and consultation process.
 - d. A Mitigation Monitoring Reporting Plan.
6. The OPUD certifies that it has held a duly noticed public hearing and heard testimony and received written comments from affected agencies at a noticed public hearing and has responded to those comments.
7. The OPUD makes a specific finding that there are no grounds that require OPUD to supplement the County's EIR under PRC 21166 and State CEQA Guidelines Sections 15162 and 15163. There have been no changes in physical circumstances since the County certified the EIR for its General Plan and

adopted Resolution 2011-0046 on June 7, 2011. OPUD is proposing to expand its service area from that considered in the County's EIR, but those changes do not constitute substantial changes in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (15162(a)(1)). Those changes and specific findings with regard to those changes are as follows:

- a. The OPUD seeks to provide future water, wastewater, and recreation services as required for future urban and rural development to 52 parcels and 3022 acres within and adjacent to OPUD's Sphere of Influence consistent with the goals and policies of the 2030 General Plan. 257 acres of the 3022 are NOT in OPUD's SOI and will require a minor sphere amendment.
 - b. The OPUD finds that the area proposed for OPUD utility services is within an area identified by the 2030 General Plan for urban and rural agricultural support uses whose environmental effects were evaluated in the General Plan EIR.
 - c. The OPUD finds that in identifying an expanded area in which the District may provide utility services the future need for such services is subject to the ultimate and sole land use authority of Yuba County, and that no services are being offered at this time, nor are any facilities being constructed to serve the expanded OPUD service area.
8. The OPUD hereby affirms in accordance with CEQA Guidelines Section 15090 the County's adopted certified EIR as well as its adopted findings for this Sphere of Influence Amendment and Annexation in order to provide utility services.
 9. In accordance with CEQA Guidelines Section 15090, the Final EIR reflects the Lead Agency's independent judgment and analysis.
 10. The OPUD has independently considered and hereby adopts the Yuba County's environmental findings required by State CEQA Guidelines Section 15091 and Statement of Overriding Considerations required by Section 15093, which are incorporated by reference hereto as its own in approving the Sphere of Influence Amendment and Annexation.