

## 8.5: SOI DETERMINATIONS

In reviewing BBID/TWSID's MSR and SOI, LAFCo must consider and prepare determinations for the following five factors pursuant to Government Code Section 56425 of the 2000 Cortese-Knox-Hertzberg Act:

- Present and planned lands uses in the area, including agricultural and open space lands
- Present and probable need for public facilities and services in the area
- Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide

- Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency
- For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

Supporting facts and analysis of the determinations listed above are provided in the sphere of influence analysis provided on the following pages, below.

### Present and Planned Lands Uses

LAFCo is required to make a determination as it updates a District's SOI, regarding the present and planned lands uses in the area, including agricultural and open space lands. The existing land uses within BBID's and TWSID's existing boundaries and existing SOIs are described in Chapter 3. The existing land uses within the study areas proposed for inclusion in the SOI are discussed in Section 8.3, Options #3 and #4, above. The potential environmental impacts associated with the proposed SOI expansion have been analyzed by the BBID/TWSID as part of a proposed Initial Study and Negative Declaration that the District has prepared. CEQA requirements related to the MSR/SOI are described in Section 2.4 of this document. SOI Determinations for Present and Planned Lands Uses are listed in Table 8-4, below.

**Table 8-4: SOI Determinations for Present and Planned Lands Uses**

Indicator	Determination
Present and planned land uses in the area	<ul style="list-style-type: none"> <li>▪ Since BBID, TWSID, and LAFCo do not exercise land use authority, changes to a Sphere of Influence would not change land use intensity, modify or establish zoning or vested rights, nor will it commit or permit development to occur in an area.</li> <li>▪ Presently land use within Study Areas #1-#5 consist of agricultural uses.</li> </ul>
Potential effects on agricultural and open-space lands	<ul style="list-style-type: none"> <li>▪ The County's General Plan includes goals, policies and implementing programs aimed at managing growth and protecting agricultural land uses.</li> <li>▪ As part of the proposed SOI Expansion, the Study Areas would be eligible to receive cost effective agricultural water supplies from BBID and/or TWSID. This water supply will support the existing agricultural land uses.</li> <li>▪ There are no existing Williamson Act Contracts associated with the five Study Areas.</li> </ul>
Are there any present or planned land uses in the area that would create the	<ul style="list-style-type: none"> <li>▪ Yes. Within the five Study Areas, the existing agricultural land-uses would benefit from receiving the agricultural water supply that BBID and TWSID provide.</li> </ul>

Indicator	Determination
need for an expanded service area?	
Potential environmental impacts	<ul style="list-style-type: none"> <li>▪ The potential environmental impacts associated with the proposed SOI expansion have been analyzed by the BBID/TWSID as part of a proposed Initial Study and Negative Declaration that the District prepared.</li> <li>▪ LAFCo is a Responsible Agency under CEQA with respect to a Sphere of Influence.</li> </ul>

### Present and Probable Need for Public Facilities and Services in The Area

LAFCo is required to make a determination as it updates the Districts' SOI, regarding the present and probable need for public facilities and services in the area. Existing public services and public facilities within the Districts' boundaries is described in Chapter 5. Currently, the three study areas proposed for inclusion in the BBID's SOI do not receive water. There are no public facilities located within Study Areas #1 - #3. The two study areas proposed for inclusion in the TWSID's SOI currently receive water due to practices involved with detachment from TWSID and subsequent annexation into Tracy. TWSID does have infrastructure located in Study Areas #4 and #5.

**Table 8-5: SOI Determinations for Present and Probable Need for Public Facilities & Services**

Indicator	Determination
Services Provided	<ul style="list-style-type: none"> <li>▪ Services provided by the BBID/TWSID directly include raw water for agricultural and municipal use, as described in Chapter 5.</li> <li>▪ In addition to the direct services described in detail in Chapter 5, BBID and TWSID also protect water rights, provide advice regarding groundwater management and monitoring, and participate with other agencies in regional water planning.</li> <li>▪ TWSID provides storm drainage services within its boundary and within portions of the City of Tracy.</li> </ul>
Would the amended sphere expand services that could be better provided by a city or another agency?	<ul style="list-style-type: none"> <li>▪ TWSID and BBID Board of Directors have agreed that the public services provided by TWSID would best be provided by a consolidated BBID/TWSID as described in Resolution No. 1 of 2016, located in Appendix A.</li> </ul>



Indicator	Determination
	<ul style="list-style-type: none"> <li>Options #3 and #4 describe several study areas that would be included within proposed SOI Expansion for BBID and TWSID. Currently, study areas #1-#3 do not receive water services and study areas #4-#5 do receive water. Upon approval of a SOI expansion as described under Options #5, the consolidated BBID/TWSID would be the best agency suited to provide water service due to geographic proximity and available water supply.</li> </ul>
Would the amended sphere represent premature inducement of growth or facilitate conversion of agriculture or open space lands?	<ul style="list-style-type: none"> <li>Updating the SOI and allowing the consolidation of BBID/TWSID as described in Option #5 would serve to retain the existing agricultural uses of this local region, specifically the properties located within BBID/TWSID.</li> </ul>
Location of facilities, infrastructure and natural features	<ul style="list-style-type: none"> <li>As described in Chapter 5, BBID's and TWSID's water facilities and services appear to be adequate based on State inspection reports, recent regulatory compliance, and treatment effectiveness rates.</li> <li>Adoption or modification of a Sphere of Influence does not commit an agency to a course of action regarding the installation of infrastructure improvements or any other physical improvements. However, consolidation of BBID and TWSID will help the District(s) obtain benefits of unified water resources planning and management which will result in more efficient delivery of public services to customers.</li> </ul>

## Present Capacity of Public Facilities and Adequacy of Public Services

LAFCo is required to make a determination as it considers the District's SOI, regarding the present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide. The capacity and adequacy of public services and public facilities within the District's boundaries is described in Chapter 5.

Table 8-6: SOI Determinations for Capacity of Public Facilities and Adequacy of Public Services

Indicator	Determination
Present capacity of public facilities and adequacy of	<ul style="list-style-type: none"> <li>The public facilities and services provided by BBID are adequate to meet the needs of the current water users.</li> </ul>

public services related to water services and storm drainage services	<ul style="list-style-type: none"> <li>▪ The public facilities and services provided by TWSID are adequate to meet the needs of the current water users and storm drainage customers. However, TWSID does have financial constraints which may impede its ability to maintain its infrastructure over the long-term.</li> <li>▪ BBID's Capital Improvement Plan is embedded in its 2017 Agricultural Water Management Plan and is readily available on the District's website. This Plan providing enhancements to public facilities and infrastructure for water users as described in Chapter 5 of this document. The annual establishment of the Capital Improvement Plan gives the District the ability to plan for future critical needs.</li> <li>▪ TWSID could benefit from BBID's ability to plan for capital improvements. TWSID does not have a capital improvement plan; however, such a plan could help them address ageing infrastructure. TWSID does have an annual maintenance program.</li> <li>▪ LAFCo's approval of this proposed consolidation will allow BBID/TWSID to: 1) develop a more efficient service plan so as to better meet the needs of existing and future water users, and 2) more effectively engage with regional partners and to continue making improvements in the areas of water supply reliability and water use efficiency. Combining these two districts will create significant public benefits.</li> </ul>
Effects on other agencies	Effects on other agencies is expected to be limited and to be within the scope estimated by the County's General Plan at buildout.
Willingness to serve	Both BBID and TWSID have demonstrated a willingness to consolidate as shown in Resolution No. 1 of 2016 in Appendix A. The BBID/TWSID has indicated a willingness to provide water and/or storm drainage services to the proposed SOI Expansion described as study areas #1-#5. Consolidating BBID and TWSID will help the District(s) achieve economies of scale to improve efficiency and maintain ratepayer costs over the long-term.
Geographic proximity to existing public services.	TWSID and BBID are located in close proximity to each other as shown in Figure 8-1 and this proximity facilitates the consolidation of the two districts. Additionally, the Study Areas (#1-#5) proposed for SOI Expansion (Figure 8-2) are located near the Districts' boundaries and associated public services.



## Social or Economic Communities of Interest

LAFCo is required to make a determination as it considers the District's SOI, regarding the existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Table 8-7: SOI Determinations for Social or Economic Communities of Interest	
Indicator	Determination
The existence of any social or economic communities of interest in the area	<ul style="list-style-type: none"> <li>Disadvantaged Unincorporated Communities (DUCs) were analyzed in Chapter 4 of this MSR/SOI document.</li> <li>The proposed expansion of the SOI is not anticipated to adversely affect any adjacent social and economic communities of interest.</li> </ul>
Are there particular neighborhoods or areas that should be added or excluded from your agency's sphere because those areas function as part of your community or another community socially or economically?	<ul style="list-style-type: none"> <li>Chapter 3 describes extra-territorial services where TWSID provides public services to parcels located outside its proper boundary.</li> <li>TWSID has been providing drainage services to several areas located outside its boundaries, including portions of the City of Tracy and County Service Area No. 50 as described in Chapters 3 and 5 and these areas are not proposed for addition to the SOI (with the exceptions of Study Areas #4 and #5 which are proposed for addition to the SOI).</li> </ul>
Would the consolidation and/or amended sphere impact the identity of any existing communities; e.g. would it conflict with existing postal zones, school, library, sewer, water, census, fire, parks and recreation boundaries?	<ul style="list-style-type: none"> <li>The proposed consolidation would not impact or conflict with any communities of interest and would not affect existing postal zones, school, library, sewer, census, fire, parks and recreation boundaries. Consolidation would allow water service and storm drainage service to be provided more efficiently to within the combined service area of BBID/TWSID.</li> <li>Expanding the SOI to add in the five Study Areas would not impact existing postal zones, school, library, sewer, census, fire, parks and recreation boundaries</li> </ul>
Potential for consolidations or other reorganizations when boundaries divide communities	<ul style="list-style-type: none"> <li>The consolidation of BBID and TWSID proposed under Option #5 would function to unite agricultural property owners and allow them to more efficiently receive water service.</li> <li>The proposed expansion of BBID/TWSID's SOI will align the properties more closely with the District and will not divide any existing communities.</li> <li>The proposed consolidation and expansion of the SOI(s) will not divide a community of interest.</li> </ul>

## Disadvantaged Unincorporated Communities

Disadvantaged unincorporated communities within the BBID/TWSID's existing boundaries and SOI are described in Chapter 4. SB 244 (Chapter 513, Statutes of 2011) made changes to the CKH Act related to "disadvantaged unincorporated communities," to include this factor in the analysis of an SOI and its determination. Disadvantaged unincorporated communities, or "DUCs," are inhabited territories (containing 12 or more registered voters) where the annual median household income is less than 80 percent of the statewide annual median household income as described in more detail in Chapter 4 of this MSR/SOI document. SB 244 requires LAFcos to consider disadvantaged unincorporated communities when developing spheres of influence as follows:

- 1) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere; and
- 2) The present and planned capacity of public facilities, adequacy of public services and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated community within or contiguous to the sphere of influence.

SB 244 authorizes LAFCo to assess the feasibility of proposed spheres of influence and to recommend reorganization and consolidation of local agencies to further orderly development and improve the efficiency and affordability of infrastructure and service delivery.

Table 8-8: SOI Determinations for Social or Economic Communities of Interest	
Indicator	Determination
Does the subject agency provide public services related to water, sanitary sewers, or structural fire protection?	Yes, both BBID and TWSID currently provide raw water service for agricultural and municipal customers. Under consolidation, the consolidated BBID/TWSID would continue to provide water service.
If yes, does the proposed sphere exclude any nearby disadvantaged unincorporated community (80% or less of the statewide median household income) that does not already have access to public water or sanitary sewer service?	<ul style="list-style-type: none"> <li>▪ DUCs were analyzed in Chapter 4 of this MSR/SOI document.</li> <li>▪ There are no disadvantaged communities within or adjacent to the BBID/TWSID Sphere of Influence.</li> <li>▪ The proposed expansion of the SOI is not anticipated to adversely affect any nearby DUC.</li> </ul>

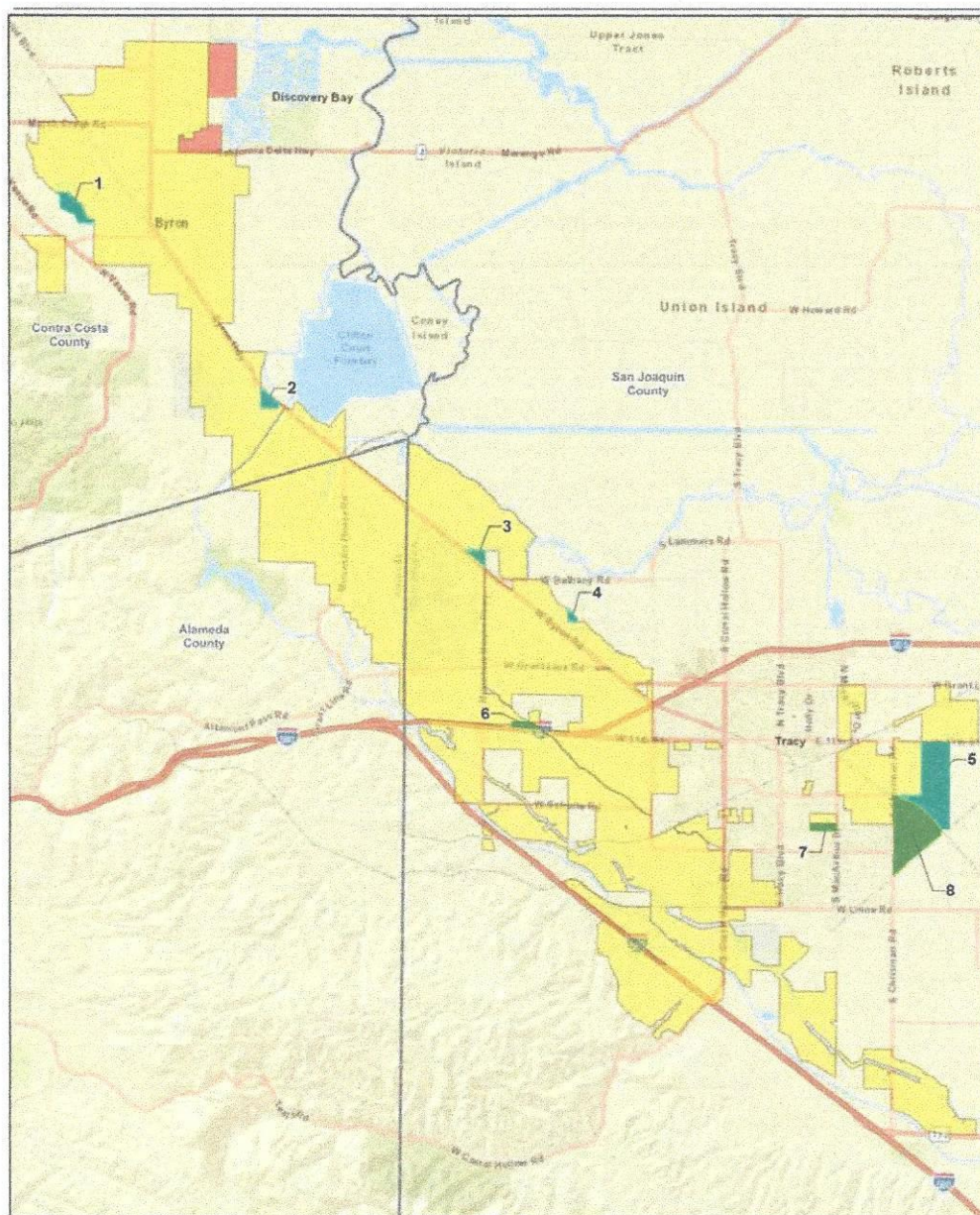
## Conclusion

This Chapter (8) presents five options for updating the SOI for BBID and TWSID. LAFCo is considering approval of Option #5 as listed below:

- Option #5 which includes:
  - Consolidate the two Districts (Option #2);
  - Modify BBID's SOI and boundaries to: A) include three study areas for BBID and B) reduce the BBID SOI to reflect the Discovery Bay detachment. (Option #3); and
  - Expand TWSID's SOI and boundaries to include two water study areas and two parcels for drainage for TWSID. (Option #4)

Option #5 (including the sub-options 2, 3, and 4) are shown on Figure 8-5 (next page).



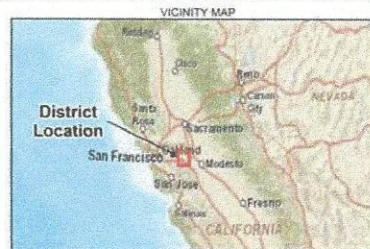


- LEGEND**
- Byron Bethany Irrigation District and The West Side Irrigation District
  - Proposed Sphere of Influence for Consolidated District
  - Discovery Bay Area to be removed from SOI
  - Drainage Parcels – Additions to SOI

**Figure 8-5: Proposed SOI for Consolidated District**

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

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**Byron Bethany Irrigation District, California**