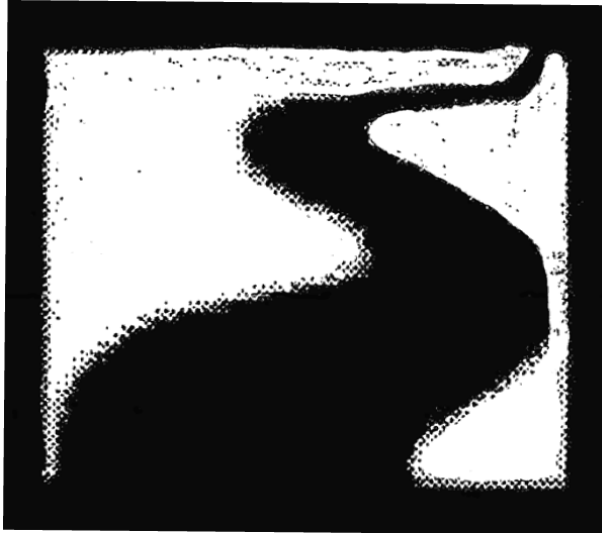


***MUNICIPAL SERVICE REVIEW AND  
SPHERE OF INFLUENCE UPDATES FOR***

**ORESTIMBA CREEK FLOOD  
CONTROL DISTRICT**



**SAND CREEK FLOOD  
CONTROL DISTRICT**

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*Adopted: June 24, 2020*

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# **STANISLAUS**

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# **Municipal Service Review and Sphere of Influence Updates For the Orestimba Creek and Sand Creek Flood Control Districts**

## **Introduction**

The Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 Act (CKH Act) requires the Local Agency Formation Commission (LAFCO) to update the spheres of influence (SOI) for all applicable jurisdictions in the County. A sphere of influence is defined by Government Code 56076 as "...a plan for the probable physical boundary and service area of a local agency, as determined by the Commission." The Act further requires that a municipal service review (MSR) be conducted prior to or, in conjunction with, the update of a sphere of influence (SOI).

The legislative authority for conducting a municipal service review is provided in Government Code Section 56430 of the CKH Act. The Act states, that "in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area..." MSRs must have written determinations that address the following factors in order to update a Sphere of Influence. These factors were recently amended to include the consideration of disadvantaged unincorporated communities within or contiguous to the sphere of influence of an agency.

## **Municipal Service Review Factors to be Addressed**

1. Growth and Population Projections for the Affected Area
2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence
3. 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 Communities Within or Contiguous to the Sphere of Influence
4. Financial Ability of Agencies to Provide Services
5. Status of, and Opportunities for, Shared Facilities
6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies
7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy

This MSR will analyze the Orestimba Creek and Sand Creek Flood Control Districts. It will also provide a basis for LAFCO to reaffirm the Spheres of Influence for the Districts.

## **Sphere of Influence Update Process**

A special district is a government agency that is required to have an adopted and updated sphere of influence. Section 56425(g) of the CKH Act calls for spheres of influence to be reviewed and updated every five years, as necessary. Stanislaus LAFCO processes municipal service reviews and sphere of influence updates concurrently to ensure efficient use of resources. For rural special districts, which do not have the typical municipal-level services to review, this document will be used to determine what type of services each district is expected to provide and the extent to which they are actually able to do so. For these special districts, the spheres will delineate the service capability and expansion capacity of the agency, if applicable.

Spheres of Influence for the Orestimba Creek and Sand Creek Flood Control Districts were originally adopted by the Commission in 1985. The most recent update, adopted in 2008, proposed no changes to the Districts' SOIs. The current update serves to comply with Government Code Section 56425 and will reaffirm the SOIs for each district.

## **Sphere of Influence Determinations**

In determining a sphere of influence (SOI) of each local agency, the Commission shall consider and prepare determinations with respect to each of the following factors, pursuant to Government Code Section 56425:

1. The present and planned land uses in the area, including agricultural open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of a sphere of influence 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.

## **Background**

Because of the importance of flood control, especially in the Central Valley, cities and counties throughout the State generally do not provide flood control services. Flood control is typically provided by independent flood control districts and/or reclamation districts. These districts quite often do not conform to political boundaries. The rationale for such special purpose districts is that they are able to provide a high degree of focus on public safety for areas that are subject to flooding. General governments, whether cities or counties, typically include both lands subject to flooding and lands that are unlikely to be flooded. By focusing on lands subject to flooding, special districts are able to provide a more targeted public service and impose the costs of that service only on those benefited.

## **Authority**

There are two flood control districts in Stanislaus County: Orestimba Creek and Sand Creek. Both Flood Control Districts are “single purpose special districts” organized under the Stanislaus County Flood Control Enabling Act (1981). Each District has a locally elected Board of Directors made up of landowners in that district. Under the Code, a Flood Control District may be formed for the control of flood, storm and drainage waters to protect property and its inhabitants.

## **Purpose**

Both the Orestimba Creek and Sand Creek Flood Control Districts were established to provide for the control of flood and storm waters within the Districts, and of the flood and storm waters that flow into the Districts. According to the State Water Code, Section 8110, the Districts were organized for the following purposes:

- a. To protect and preserve the banks of rivers and streams and lands lying contiguous to the district from injury by overflow or washing.
- b. To provide for the improvement of rivers and streams.
- c. To prevent the obstruction of rivers and streams.
- d. To assess, levy and collect within each district a tax for the district.

## **Classification of Services**

As part of the original MSR completed for the Districts, each District provided a listing of services provided within their boundaries. The Flood Control Districts are authorized to provide the functions or classes of flood control services as identified in this report. State Law requires that the Districts seek LAFCO approval in order to exercise any other latent powers not currently provided.

# **Municipal Service Review – Orestimba Creek Flood Control District**

## **Formation**

The Orestimba Creek Flood Control District was formed on November 20, 1984.

## **Services**

The District provides the following authorized services within its service area:

- Maintaining flood control facilities, including clearing of creek channels and removal of debris to prevent flooding.

## **Objective**

The District's principal objective is to provide for the protection of land, property, and persons within the District from flood, storm and drainage waters which originate both within and outside the District, but which also flow into the District.

## **Location and Size**

The District encompasses approximately 17,600 acres along Orestimba Creek and a tributary, Crow Creek. The unincorporated community of Crows Landing is located on the northern border of the District. The City of Newman is located to the southeast of the District.

## **Governance**

The governing board of the Orestimba Creek Flood Control District consists of five directors elected by landowner election to 4-year terms. Directors must hold title to land within the District. Meetings are held at the Perez Brothers Office, located at 22001 E. Street, Crows Landing, on an as-needed basis.

## **Personnel**

There are no employees employed by the District. The District relies on its volunteer Board members to run the day-to-day operations.

## **Support Agencies**

The District maintains a positive collaborative relationship with other local, state and federal agencies, including: U.S. Army Corps of Engineers, Stanislaus County Public Works Department, Central California Irrigation District (CCID), Del Puerto Water District, City of Newman and Department of Water Resources.

## **Funding Sources**

The District receives a limited amount of the shared property tax revenues from Stanislaus County. The District is also empowered to levy benefit assessments, based on the degree of benefit received by each parcel within the District boundaries, when necessary.



## **Determinations – Orestimba Creek Flood Control District**

The following provides an analysis of the seven categories or components required by Section 56430 for a Service Review for the Orestimba Creek Flood Control District:

### **1. Growth and Population Projections for the Affected Area**

The District serves an area that is unincorporated and agricultural, located between the unincorporated community of Crows Landing and the City of Newman. Little to no growth is projected within the District's boundaries. Growth in the area generally occurs within the City of Newman, just outside the District's boundaries to the southeast, as projected in the City's General Plan. The County also recently approved land use entitlements for the Crows Landing Industrial Business Park located just north of the District and expected to develop in phases over many years.

### **2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence**

Upon review of available Census data, there are no known disadvantaged unincorporated communities within the District's Sphere of Influence. The unincorporated community of Crows Landing, which lies contiguous to the District's Sphere of Influence, just north of the District's boundary, is considered disadvantaged, as the median household income falls below the 80% statewide median.

### **3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Related to Sewers, Municipal Water and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence**

The U.S. Army Corps of Engineers and Stanislaus County, in partnership with the Orestimba Creek Flood Control District and the City of Newman, completed a feasibility study in 2012 intended to assist in finalizing the selection of a flood damage reduction plan for Orestimba Creek. The study recommended construction of a 4.7 mile chevron levee along the east bank of the Central California Irrigation District (CCID) Main Canal and a 1-mile cross levee to reduce flood risk to adjacent agricultural areas within the District as well as surrounding areas and the City of Newman. At its completion, the project would provide protection from a 200-year flood event to the City of Newman.

The feasibility study estimated that completion of the project could take 2-5 years. The project is currently still in the planning stages as funding is still needed to begin construction.

The District does not provide services related to sewer, municipal and domestic water, or structural fire protection.

### **4. Financial Ability of Agencies to Provide Services**

The District has limited financial resources to fund flood control projects. The District utilizes a special benefit assessment method of financing to maintain existing flood control facilities for parcels within the District's boundary.

**5. Status of, and Opportunities for, Shared Facilities**

At this time the District does not share any facilities with other agencies or Districts.

**6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies**

A five-member Board of Directors, elected by the landowners within the District, governs the District. The District is subject to the provisions of the Brown Act requiring open meetings. No other relevant issues concerning this factor have been identified.

**7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy**

None.

## **SOI Update – Orestimba Creek Flood Control District**

The following determinations for the Orestimba Creek Flood Control District's Sphere of Influence update are made in conformance with Government Code Section 56425 and local Commission policy.

### **Determinations:**

#### **1. Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands**

The Orestimba Creek Flood Control District's Sphere of Influence (SOI), which is coterminous with the District's boundaries, includes approximately 17,000 acres along Orestimba Creek and a tributary, Crow Creek. The unincorporated community of Crows Landing is located on the northern border of the District. The city of Newman is located just to the southeast of the District.

The predominate land use within the District is agriculture and this is not expected to change. The District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land uses decisions within the District boundaries is retained by the County, whose General Plan identifies the area as agriculture.

#### **2. Present and Probable Need for Public Facilities and Services in the Area**

The need for flood protection and maintenance of the Creek channels within the District boundaries is critical and will not change. Flood protection is necessary to protect residents and property now and into the future. At this time there are no other cost-effective alternatives available for the provision of continued flood protection. The existing flood control system must be continually monitored, maintained and improved.

#### **3. Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide**

The District operates with limited funding in order to provide basic maintenance to existing flood control facilities. Completion of the large-scale, chevron levee project would allow the District to continue its efforts to maintain and improve its ability to keep potential flooding from occurring within and/or around the District boundaries.

#### **4. The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines That They are Relevant to the Agency**

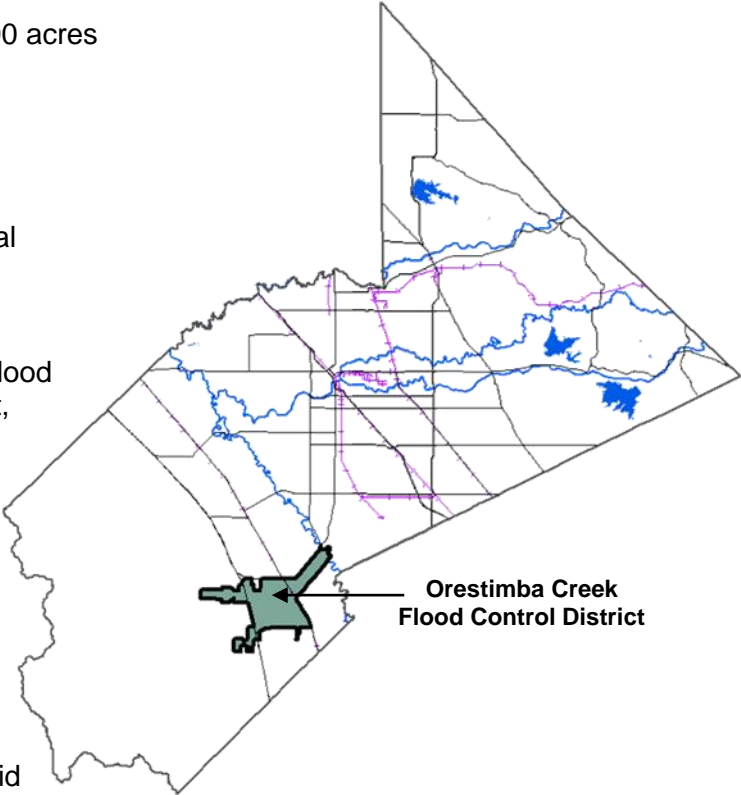
The District's territory and sphere of influence is within unincorporated agricultural areas of the County. As identified previously, the unincorporated community of Crows Landing lies to the immediate north of the District. The City of Newman, located southeast of the District, is a community of interest, as the City experiences periodic flooding and would greatly benefit from improvements identified in the USACE Feasibility Study.

**5. For an Update of a Sphere of Influence 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**

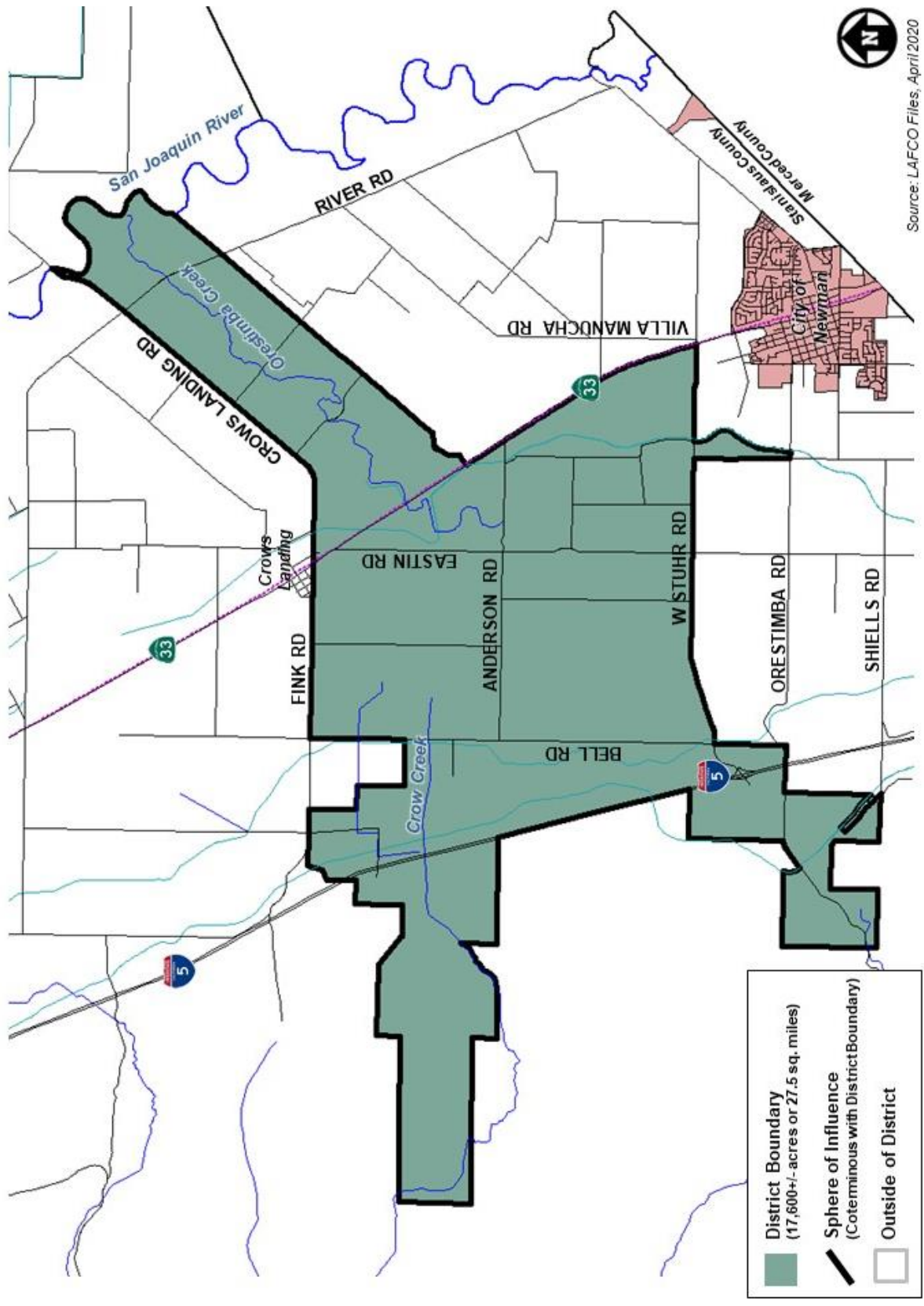
As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.

# DISTRICT SUMMARY PROFILE

|                    |   |
|--------------------|---|
| District:          | <b>ORESTIMBA CREEK FLOOD CONTROL DISTRICT</b>   |
| Location:          | Orestimba Creek, near the unincorporated community of Crows Landing and the City of Newman. |
| Service Area:      | Approximately 17,600 acres  |
| Population:        | Approximately 400   |
| Households:        | Approximately 134   |
| Land Use:          | Rural and Agricultural  |
| Date of Formation: | November 20, 1984   |
| Enabling Act:      | Stanislaus County Flood Control Enabling Act, Water Code Appendix, Section 120 et seq.      |
| Governing Body:    | Five Directors – Elected by Landowners, must hold title to land within the District.        |
| Administration:    | There are no paid staff members   |
| District Services: | Maintenance of existing flood control facilities within District boundaries.                |
| Total Revenues:    | \$15,421 (Fiscal Year 2017-2018)  |



**Map: Orestimba Creek Flood Control District Sphere of Influence**



# **Municipal Service Review – Sand Creek Flood Control District**

## **Formation**

The Sand Creek Flood Control District was formed on April 26, 1988.

## **Location and Size**

The Sand Creek Flood Control District covers an approximate 11,600-acre watershed area, with outlets into the Turlock Irrigation District (TID) Main Canal, located about one mile east of the community of Denair. The floodplain is located between the Highline and TID Main Canals. The upper watershed area above the Highline Canal is gently rolling, with an average slope of about 2.5 percent. The soils are predominately sandy loams underlain by soft sandstone. Most of this upper watershed was converted from rangeland to irrigated vineyards and orchards. The lower watershed, below the Highline Canal contains a variety of agricultural uses including cropland, pastureland and orchards.

## **Governance**

The governing board of the Sand Creek Flood Control District consists of 5 directors elected by landowner election to 4-year terms. Directors must hold title to land within the District. Meetings are held quarterly on the third Wednesday (March, June, July, and October), at the Turlock Irrigation District (TID) Ante Room, 333 E. Canal Drive, Turlock.

## **Personnel**

The District relies on its volunteer Board members to run the day-to-day operations and contracts for other services as needed (e.g. a part-time secretary and auditor).

## **Support Agencies**

The District maintains a positive collaborative relationship with other local, state and federal agencies, as necessary. These agencies may include the: Turlock Irrigation District (TID), State Department of Water Resources (DWR), State Regional Water Quality Control Board (RWQCB) and the Federal Emergency Management Agency (FEMA).

## **Funding Sources**

The District receives a limited amount of special benefit assessments to fund its services. The special assessments are based upon the degree of benefit received by each parcel within the District boundaries.

## **Services**

The District provides the following authorized services within its service area:

- Prevention of flooding, via monitoring of drain ditch lines to prevent overflow and flooding. This includes spraying of weeds to keep the Sand Creek Drain clear from any debris.
- Monitoring of discharges into the TID canal.

## **Determinations – Sand Creek Flood Control District**

The following provides an analysis of the seven categories or components required by Section 56430 for a municipal service review for the Sand Creek Flood Control District:

### **1. Growth and Population Projections for the Affected Area**

The District serves an area that is unincorporated and agricultural, east of the community of Denair. Little to no growth is projected within the District's boundaries.

### **2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence**

Upon review of available Census data, there are no known disadvantaged unincorporated communities within or contiguous to the District's Sphere of Influence.

### **3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Related to Sewers, Municipal Water and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence**

It appears that the District currently has both the ability and the capacity to provide monitoring and maintenance in its service area. The District does not provide services related to sewer, municipal and domestic water, or structural fire protection.

### **4. Financial Ability of Agencies to Provide Services**

At present time, the District appears to have limited financial resources to fund sufficient levels of service within the District's boundaries. There are no overlapping or duplication of services within the District boundaries. The District does not charge rates for services. However, the District's special benefit assessment method of financing is reasonable for flood control services for specific parcels that benefit from the flood control services provided by the District.

### **5. Status of, and Opportunities for, Shared Facilities**

When necessary, the District shares facilities with other agencies (e.g. Turlock Irrigation District).

### **6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies**

It is reasonable to conclude that the District can adequately serve the areas under its jurisdiction. A five-member Board of Directors, elected by the landowners within the District, governs the District. The Board is subject to the provisions of the Brown Act requiring open meetings.

### **7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy**

None.



## **SOI Update – Sand Creek Flood Control District**

The following determinations for the Sand Creek Flood Control District's Sphere of Influence update are made in conformance with Government Code Section 56425 and local Commission policy.

### **Determinations:**

#### **1. Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands**

The Sand Creek Flood Control District's Sphere of Influence (SOI), which is coterminous with its current boundaries, covers an approximate 11,600-acre watershed area, with outlets into the Turlock Irrigation District (TID) Main Canal, located about one mile east of the community of Denair.

The predominate land use is agriculture, as the District is agriculturally based. It is expected that the present and planned land uses will continue to remain agricultural. The District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land uses decisions within the District boundaries is retained by the County.

#### **2. Present and Probable Need for Public Facilities and Services in the Area**

The need for flood protection and maintenance of drain ditch lines within the District boundaries is important and will not change. At this time there are no other cost-effective alternatives to drain ditch lines available for the provision of continued flood protection. The existing levee and flood control system must be continually monitored, maintained and improved.

#### **3. Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide**

Currently, the District is constructing improvements to improve the reliability of the levee system. It is also developing a plan, per the Department of Water Resources, with regards to discharge requirements.

#### **4. The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines That They are Relevant to the Agency**

The unincorporated community of Denair lies west of the District's boundaries and may be considered a community of interest in the area.

#### **5. For an Update of a Sphere of Influence 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**

As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.

**DISTRICT SUMMARY PROFILE**

District: **SAND CREEK FLOOD CONTROL DISTRICT**

Location: Sand Creek Watershed, located one mile east of the unincorporated community of Denair

Service Area: Approximately 11,600 acres

Population: Approximately 380

Households: Approximately 126

Land Use: Rural and Agricultural

Date of Formation: April 26, 1988

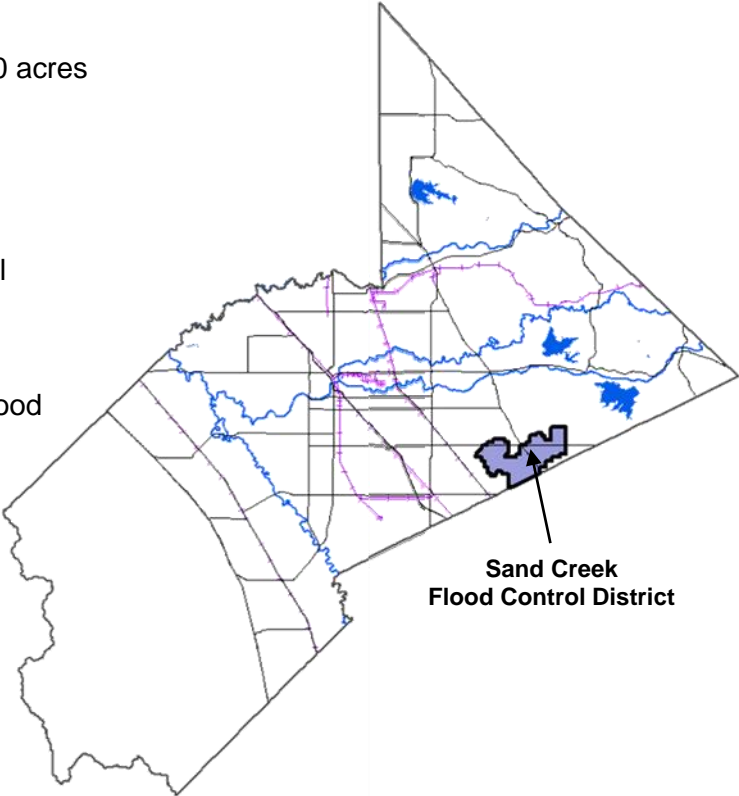
Enabling Act: Stanislaus County Flood Control Enabling Act, Water Code Appendix, Section 120 et seq.

Governing Body: Five Directors – Elected by Landowners, must hold title to land within the District.

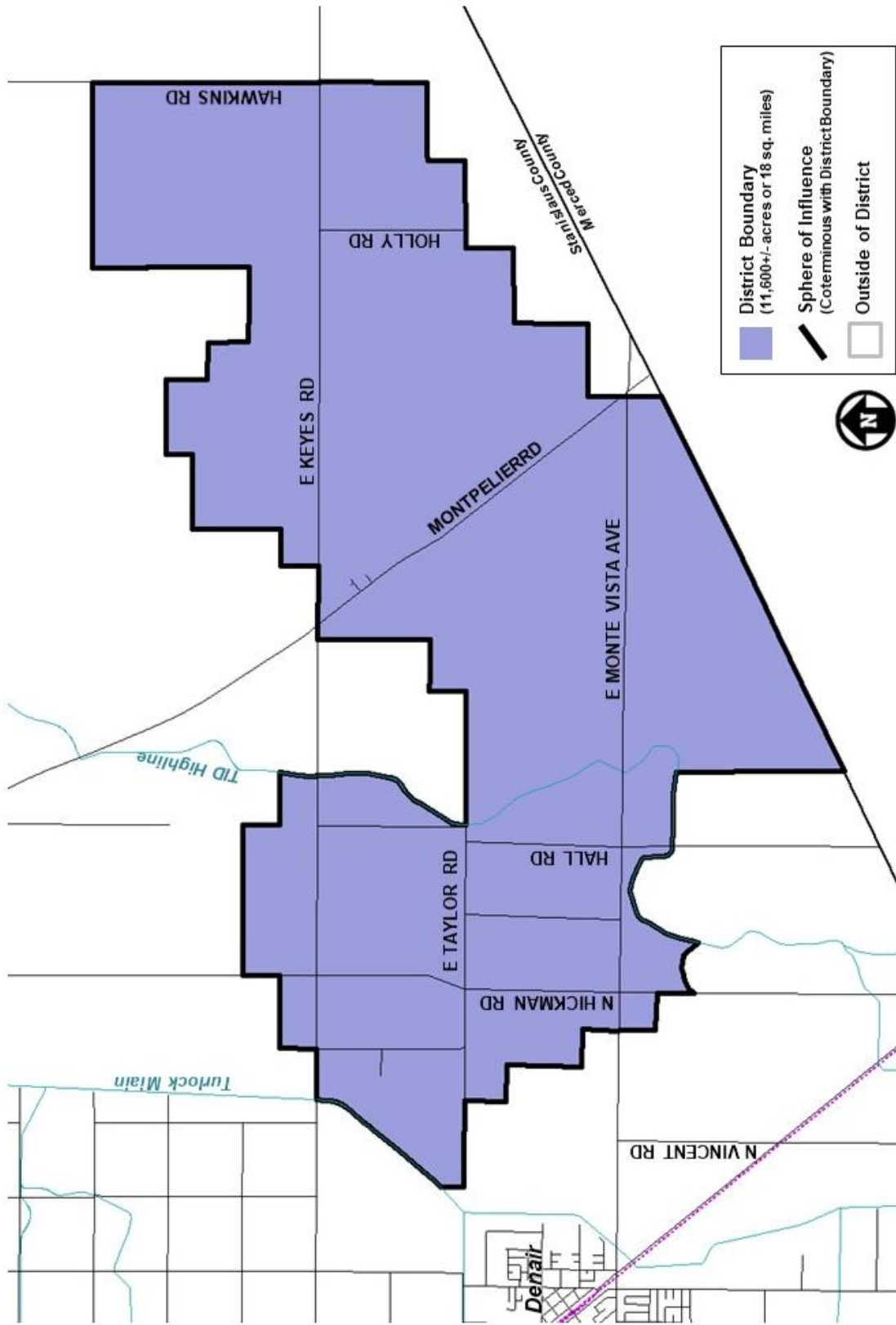
Administration: The District is administered by 5 Directors, elected by the property owners within the District. Contracted staff services (e.g. secretary, auditor) are used on an as-needed basis.

District Services: Maintenance of existing flood control facilities within District boundaries.

Budget: \$9,835 (Fiscal year 2019-2020)



**Map: Sand Creek Flood Control District Sphere of Influence**



Source: LAFCO Files, April 2020

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