

STAFF REPORT

Meeting Date: April 20, 2005

TO: LAFCO Commissioners

FROM: Everett Millais, Executive Officer

SUBJECT: Sphere of Influence Review and Update: LAFCO 04-11S
 Ojai Valley Sanitary District

RECOMMENDATIONS:

- A. As lead agency, adopt a Negative Declaration determining that the sphere of influence update for the Ojai Valley Sanitary District will not have a significant effect on the environment.
- B. Adopt the attached resolution (LAFCO 04-11S) making determinations and updating the sphere of influence for the Ojai Valley Sanitary District.

DISCUSSION:

For each city and special district LAFCO must determine and adopt a sphere of influence and, "...review and update, as necessary, the adopted sphere not less than once every five years." (CA Government Code §56430(f)). In order to prepare and update spheres of influence LAFCO must conduct municipal service reviews. During 2003 the Commission conducted water and wastewater service reviews for the 36 agencies (cities and special districts) in the County that provide some form of water and/or wastewater services.

Based on the water and wastewater service review report and follow-up review and discussion with the Board and staff of the Ojai Valley Sanitary District, and the staff of the City of Ojai, a sphere of influence update is recommended for the Ojai Valley Sanitary District. The Ojai Valley Sanitary District is an independent special district that provides wastewater collection and treatment services to the Ojai Valley north of the City of

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EXECUTIVE OFFICER: Everett Millais	LAFCO ANALYST: Kim Uhlich	OFFICE MANAGER/CLERK: Debbie Schubert	LEGAL COUNSEL: Leroy Smith

Ventura. Included in the existing service area are the City of Ojai and the unincorporated areas of Meiners Oaks, Oak View, Casitas Springs and the North Ventura Avenue area in the City of Ventura's sphere of influence. The District was formed in 1985 as a result of the consolidation of the Ventura Avenue, Oak View, and Meiners Oaks Sanitary Districts, and the Sanitation Department of the City of Ojai. These predecessor agencies were formed in the early 1960's in conjunction with construction of the Oak View treatment plant.

The municipal service review for the Ojai Valley Sanitary District noted that when the reorganization occurred in 1985 to form the current District there was controversy about the new District's service area. As a result, the final agency and sphere of influence boundaries were not, and are not today, consistent with the actual service area of the District. In fact, the boundaries and sphere of influence of the Ojai Valley Sanitary District are the most out of alignment with the agency's basic service area of any public agency in Ventura County. There are areas in the District boundaries that are receiving service that are not within the District's sphere of influence, there are areas being served by the District that are not within the District's boundaries or the sphere, there are areas not in the District's boundary, but within the sphere, that are receiving service, and there are areas in the District boundaries, not within the sphere, that are not receiving any service, but paid a proportionate share for infrastructure improvements for a predecessor agency.

The municipal service review report identified each of the existing boundary anomalies of the District as a special study area and suggested a possible revised sphere of influence. The areas of focus were referred to in the municipal service review report as the Creek Road area, the Western Area and Live Oaks Acres, and the Eastern Area (Ojai Avenue to St. Joseph Retirement Center and Grand Avenue to Orange Road). During the last nine months each of these areas were reviewed in detail with the District staff together with other areas where the District has service lines and areas in the District's boundaries that are not now in the sphere of influence. In addition, LAFCO staff met with the District's Board on four occasions and twice with the District Board's environmental committee. During this lengthy review process with the District a series of alternative updated spheres of influence were reviewed. The basis for the alternatives was to update the sphere so that it better represented the District's existing and possible future service area, while also taking into account existing land use designations and zoning by the County, the City of Ojai and the North Ventura Avenue area of the City of Ventura.

The review process also took into account the possible CEQA consequences of an updated sphere of influence proposal. LAFCO staff continuously advised the District that if a proposed sphere of influence update resulted in a CEQA determination necessitating an environmental impact report, or detailed environmental analysis to support a mitigated negative declaration, LAFCO would not proceed unless the District provided funding for such environmental analysis. Thus, the various alternative sphere of influence updates prepared and reviewed with the District during the last nine months were each

preliminarily reviewed to see if the project (the sphere of influence update) could be found to be exempt under CEQA or if Negative Declaration, with no mitigation measures, could be justified or if additional environmental analysis would be necessary.

The recommended sphere of influence update for the Ojai Valley Sanitary District (OVSD) is based on the following information and criteria:

1. Neither LAFCO nor the Ojai Valley Sanitary District has any ability to regulate land use. The affected local agencies that do have land use regulatory authority are the County of Ventura, the City of San Buenaventura and the City of Ojai. The proposed updated sphere of influence will not result in any change to land use or to the General Plans or zoning of the County of Ventura, City of San Buenaventura or the City of Ojai. The certified environmental documents relating to the City of San Buenaventura's Comprehensive Plan as currently approved for the City's Ventura Avenue Area Plan, the City of Ojai's General Plan, and the County of Ventura's General Plan and the Ojai Valley Area Plan, each contain relevant information and data about land use, environmental impacts and growth inducement.
2. Future development that may require discretionary approvals within the proposed updated Sphere of Influence of the Ojai Valley Sanitary District will be the subject of separate environmental review and documentation by the appropriate jurisdiction with land use regulatory control serving as lead agency (either the City of San Buenaventura, the City of Ojai or the County of Ventura), or by the Ojai Valley Sanitary District for new service connections, utility extensions and/or facility expansions. The precise nature and extent of future development, or of new service connections, utility extensions and/or facility expansions, within the proposed updated Sphere of Influence for the Ojai Valley Sanitary District cannot be determined at this time and are not the subject of this environmental review.
3. It is the policy of the Ventura LAFCO that sphere of influence boundaries should coincide with lines of assessment or ownership, or be described by metes and bounds legal descriptions sufficient for definitive mapping purposes using geographic information system software. (LAFCO Commissioner's Handbook - section 4.1.2.2).
4. The District has provided information indicating that it has sufficient treatment capacity to serve properties in the proposed updated sphere of influence. The information is based on:
 - a. Applicable general plan land use designations of the County of Ventura, the City of San Buenaventura and the City of Ojai; and
 - b. The number and type of service connections to District facilities and average flows to the District's wastewater treatment plant over the last five years in relation to the overall capacity of the District's wastewater treatment plant. A five year historical period was selected as LAFCO is required to review and

- update, as necessary, the District's sphere of influence every five years (CA GC §56425(f)).
5. For territory in the City of San Buenaventura's sphere of influence:
 - a. All parcels designated for some type of urban use (residential, commercial, industrial, etc.) by the City's Comprehensive Plan should be included in the OVSD sphere of influence.
 - b. All parcels subject to the City's SOAR ordinance (i.e. all areas designated for agricultural use by the City's Comprehensive Plan) should NOT be in the OVSD sphere of influence, UNLESS the parcel is already being served by OVSD or is owned by OVSD.
 6. For territory in the City of Ojai's sphere of influence:
 - a. All parcels designated for some type of urban use (residential, commercial, industrial, etc.) by the City's General Plan should be in the OVSD sphere of influence.
 - b. All parcels that are NOT designated for some type of urban use (i.e. parcels designated for agricultural or open space uses) by the City's General Plan should NOT be in the OVSD sphere of influence, UNLESS the parcel is already being served by OVSD.
 7. For territory in the County of Ventura, outside the spheres of influence of both the City of San Buenaventura and the City of Ojai:
 - a. All parcels designated for some type of urban use (residential, commercial, industrial, etc.) by the County's Ojai Valley Area Plan should be included in the OVSD sphere of influence.
 - b. All parcels NOT designated for some type of urban use (i.e. parcels designated for agricultural or open space uses) by the County's Ojai Valley Area Plan should NOT be included in the OVSD sphere of influence, UNLESS the parcel is already being served by OVSD or UNLESS the District has already taken action to initiate annexation proceedings for an area to provide service consistent with the County's Ojai Area Plan.
 8. No parcel in a Land Conservation Act Contract (LCA - Williamson Act) or in a Farmland Security Zone (FSZ) contract should be included in the OVSD sphere.

Using this information and criteria the attached map was prepared (titled "Proposed Sphere of Influence Update - Review Draft #5). This map depicts the recommended updated sphere of influence, and was the basis for a CEQA Initial Study. The recommended updated sphere of influence will REDUCE the territory within the District's sphere of influence by approximately 2,000 acres as noted below:

Approximate Area (acres):

In the existing sphere of influence	11,518.8
To be removed from the sphere of influence	2,001.4
In the proposed, updated sphere of influence	9,517.4

Based on the recommended sphere of influence update a CEQA Initial Study was prepared. The result of the Initial Study was that there is no substantial evidence, in light of the whole record, that the project may have any significant effect on the environment. As such, a Negative Declaration is appropriate. A Notice of Intent to Adopt a Negative Declaration was issued on March 15, 2005, and distributed to all affected agencies and interested parties. The public review period ended on April 8, with no comments being received. It is recommended that, before any action is taken on the actual sphere of influence update, the Commission adopt a Negative Declaration for the project.

When determining an agency's sphere of influence Government Code § 56425(d) requires the Commission to consider and prepare written statements of its determinations. The mandatory determinations and the recommended statements relating to each determination are:

- (1) *The present and planned land uses in the area, including agricultural and open-space lands.* – The sphere of influence update for the Ojai Valley Sanitary District is to provide for all areas being served by the District, plus all areas in the Ventura River watershed that are designated for urban development by either the County of Ventura's Ojai Valley Area Plan, the City of Ojai's General Plan or the City of Ventura's North Ventura Avenue Plan, to be within the District's sphere of influence. The update does not affect the present or planned uses in the area, including agricultural and open space lands, and no change in land use or development will result from the sphere of influence update.
- (2) *The present and probable need for public facilities and services in the area.* – The sphere of influence update will not affect the present or probable need for public facilities and services in the area. The sphere of influence update provides for the District's sphere to include all properties receiving service from the District and all properties in the Ventura River watershed that are designated for urban development by the County of Ventura, the City of Ojai or the City of Ventura.
- (3) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* – The sphere of influence update will not affect the present capacity or adequacy of public facilities and services in the area. The District indicates that its wastewater treatment facility has a capacity of 3.0 million gallons per day, that the wastewater treatment facility is currently operating at approximately two-thirds of capacity, and that the District is not subject to any regulatory requirement to increase, or even to begin planning for an increase, to the capacity of its wastewater treatment facility. The District has also indicated that the present capacity of its collection lines is adequate to meet all current service needs.
- (4) *The existence of any social or economic community of interest in the area if the commission determines that they are relevant to the agency.* – The Ojai Valley Sanitary District provides wastewater collection and treatment services to the Ojai Valley north of the City of Ventura. This area constitutes both a social and

economic community of interest. The District is the only agency providing these services to this area and the services provided are for the benefit of the public health and welfare of the residents of the area.

Attachments:

1. LAFCO Resolution 04-011S - Ojai Valley Sanitary District Sphere of Influence Update
2. Map -Proposed Sphere of Influence Update – Review Draft #5

LAFCO 04-11S

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION ADOPTING A NEGATIVE
DECLARATION, MAKING DETERMINATIONS AND
APPROVING AN UPDATE TO THE SPHERE OF
INFLUENCE FOR THE OJAI VALLEY SANITARY
DISTRICT**

WHEREAS, Government Code Section 56425 et seq. requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence of each local governmental agency within the County; and

WHEREAS, Government Code Section 56425(f) requires that LAFCO review and update the adopted sphere of influence boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code Section 56430 requires that a municipal service review be conducted prior to or in conjunction with a sphere of influence update, and

WHEREAS, LAFCO conducted a municipal service review of the services provided by the Ojai Valley Sanitary District and adopted written determinations as required by Government Code Section 56430 on December 12, 2003; and

WHEREAS, part of the information contained in the municipal service review report for the Ojai Valley Sanitary District noted a number of geographic areas where there are discrepancies between the District's boundaries, service area and sphere of influence; and

WHEREAS, the District Board and staff, the City of Ojai staff, and the LAFCO staff have reviewed and considered that the District's sphere of influence should be updated to include all areas served by the District and areas that are designated for future urban development by either the County of Ventura's Ojai Area plan, the City of Ojai's General Plan or the City of Ventura's North Ventura Avenue Plan; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's sphere of influence; and

WHEREAS, A Notice of Intent to Adopt a Negative Declaration was prepared and circulated for public review as required by law; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration of this action by the Commission; and

WHEREAS, the sphere of influence update action was duly considered at a public hearing on April 20, 2005; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the sphere of influence update including, but not limited to, information about the recommended Negative Declaration, testimony at the public hearing on April 20, 2005 and the LAFCO Executive Officer's April 20, 2005 staff report and recommendation;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Ventura Local Agency Formation Commission:

- (1) The Executive Officer's Staff Report and Recommendation for approval of the sphere of influence update for the Ojai Valley Sanitary District, dated April 20, 2005, is adopted.
- (2) The Commission has considered the criteria set forth in Government Code §56425(e) and determines as follows:
 - (a) *The present and planned land uses in the area, including agricultural and open-space lands.* – The sphere of influence update for the Ojai Valley Sanitary District is to provide for all areas being served by the District, plus all areas in the Ventura River watershed that are designated for urban development by either the County of Ventura's Ojai Valley Area Plan, the City of Ojai's General Plan or the City of Ventura's North Ventura Avenue Plan, to be within the District's sphere of influence. The update does not affect the present or planned uses in the area, including agricultural and open space lands, and no change in land use or development will result from the sphere of influence update.
 - (b) *The present and probable need for public facilities and services in the area.* – The sphere of influence update will not affect the present or probable need for public facilities and services in the area. The sphere of influence update provides for the District's sphere to include all properties receiving service from the District and all properties in the Ventura River watershed that are designated for urban development by the County of Ventura, the City of Ojai or the City of Ventura.
 - (c) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* – The sphere of influence update will not affect the present capacity or adequacy of public facilities and services in the area. The District indicates that its wastewater treatment facility has a capacity of 3.0 million gallons per day, that the wastewater treatment facility is currently operating at approximately two-thirds of capacity, and that the District is not subject to any regulatory requirement to increase, or even to begin planning for an increase, to the capacity of its wastewater treatment facility. The

District has also indicated that the present capacity of its collection lines is adequate to meet all current service needs.

- (d) *The existence of any social or economic community of interest in the area if the commission determines that they are relevant to the agency.* The Ojai Valley Sanitary District provides wastewater collection and treatment services to the Ojai Valley north of the City of Ventura. This area constitutes both a social and economic community of interest. The District is the only agency providing these services to this area and the services provided are for the benefit of the public health and welfare of the residents of the area.
- (3) The sphere of influence for the Ojai Valley Sanitary District is hereby updated to include the area shown as “proposed sphere of influence”, as generally depicted on Exhibit A attached hereto.
- (4) The Commission directs staff to have the official sphere of influence geographic information system data maintained for the Ventura LAFCO by the Ventura County Public Works Agency as the official sphere of influence record for the Ojai Valley Sanitary District updated consistent with this action.
- (5) The Commission, as lead agency for the purposes of the California Environmental Quality Act (CEQA), hereby determines that there is no substantial evidence, in light of the whole record, that the project may have any significant effect on the environment and, based on the Commission’s independent judgment and analysis, hereby adopts a Negative Declaration for the sphere of influence update. The record of proceedings for this decision is located at the offices of the Ventura LAFCO and the Executive Officer is hereby designated as the custodian of the documents relating to this determination.
- (6) The Commission directs staff to file a Notice of Determination as lead agency pursuant to Public Resources Code Section 21152 and Section 15075 of the CEQA Guidelines.

This resolution was adopted on April 20, 2005.

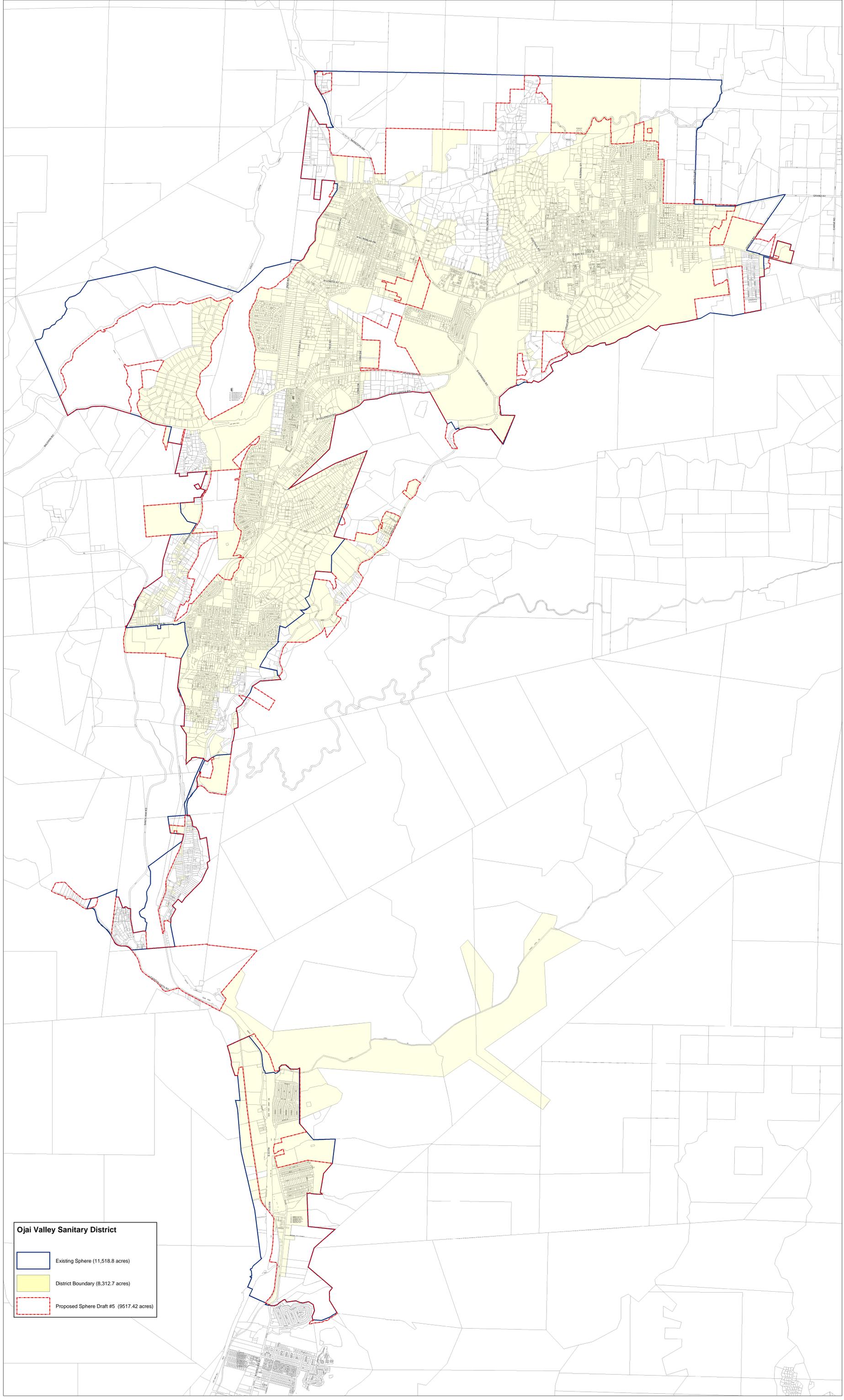
AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: Ventura County Assessor
Ventura County Auditor
Ventura County Surveyor
Ventura County Planning
Ojai Valley Sanitary District



Ojai Valley Sanitary District

-  Existing Sphere (11,518.8 acres)
-  District Boundary (8,312.7 acres)
-  Proposed Sphere Draft #5 (9,517.42 acres)



Ventura LAFCO
 Ojai Valley Sanitary District
 Proposed Sphere of Influence Update
 Review Draft #5
 Printed On: March 1, 2005



WARNING: The information contained herein was created by the Ventura County Geographic Information System (GIS), which is designed and operated solely for the convenience of the County and related contract entities. The County does not warrant the accuracy of this information, and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

