



VENTURA LOCAL AGENCY FORMATION COMMISSION
STAFF REPORT

Meeting Date: February 16, 2022

TO: LAFCo Commissioners

FROM: Andrea Ozdy, Deputy Executive Officer *Andrea Ozdy*

SUBJECT: Sphere of Influence Review and Update:
 LAFCo 22-07S Ventura County Service Area No. 29

Recommendations:

- A. Determine that the sphere of influence update for Ventura County Service Area No. 29 (CSA 29 or District) is exempt from the California Environmental Quality Act (CEQA) pursuant to § 15061(b)(3) of the CEQA Guidelines.
- B. Review and update the sphere of influence for the District pursuant to Government Code § 56425(g).
- C. Adopt Resolution LAFCo 22-07S (Attachment 4) making determinations and updating the sphere of influence for the District.

Background:

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code § 56000 et seq.), the Commission was required to determine and adopt a sphere of influence (or “sphere”) for each city and special district on or before January 1, 2008. A sphere of influence is defined in Government Code § 56076 as the probable physical boundary and service area of a local agency, as determined by the Commission. Every five years thereafter, the Commission must, as necessary, review and update each sphere of influence (Government Code § 56425(g)). Before it may update an agency’s sphere, LAFCo is required to conduct a Municipal Service Review (MSR) pursuant to Government Code § 56430.

In compliance with Government Code § 56425(g), the Commission accepted an MSR report on December 12, 2003, for the District, entitled *Water and Wastewater Municipal Service Review Report*, which addressed agencies within the Ojai/Ventura area.

COMMISSIONERS AND STAFF

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Executive Officer	Deputy Executive Officer	Office Manager/Clerk	Legal Counsel
Kai Luoma	Andrea Ozdy	Richelle Beltran	Alberto Boada

LAFCo's past sphere of influence reviews resulted in the following: (1) a review (i.e., no changes) of the sphere in 2004, (2) a review of the sphere in 2009, and (3) an update of the sphere in 2014.

Discussion:

District Information

CSA 29 is a dependent special district formed in 1978 that, through the Ventura County Water and Sanitation Department, operates and maintains a sewer system that serves the County's North Coast communities along the Pacific Coast Highway corridor, northwest of the City of San Buenaventura (i.e., Solimar Beach, Faria Beach, Mussel Shoals, and Seacliff). The Ventura County Board of Supervisors is the governing body of the District. CSA 29's service area is approximately 740 acres (1.16 square miles) and its sphere is slightly smaller at approximately 730 acres. Its service area is generally coterminous with its sphere of influence boundary, except that its sphere does not include the Rincon Point community located at the Ventura-Santa Barbara county line (Attachment 1).

Recommended Sphere of Influence Update and Analysis

A sphere of influence update is defined in Section 4.1.2(b) of the Ventura LAFCo Commissioner's Handbook as "a comprehensive review and modification of a sphere of influence that is not associated with a concurrent proposal for a change of organization or an out of agency service agreement."

Based on the work plan established by the Commission, review/update of the District's sphere of influence was to be initiated during 2019. During 2019, LAFCo staff consulted with the District's general manager (i.e., the Director of the Water and Sanitation Department of the Ventura County Public Works Agency) to discuss the sphere of influence, and to determine: (1) if the District has experienced any changes to its service needs or areas since LAFCo's most recent evaluation of its sphere of influence, and (2) if the District staff anticipates any service changes that would warrant adjustment of the sphere boundaries. The following discussion provides a summary of Commission actions regarding sphere of influence reviews/updates pertaining to the District, and explains why an update to the District's sphere is now appropriate.

On February 18, 2004, the Commission reviewed, but did not update, the District's sphere of influence.

On January 21, 2009, the Commission reviewed, but did not update, the District's sphere of influence.

On July 16, 2014, the Commission updated the District's sphere to exclude the approximately 11-acre Ventura County portion of the Rincon Point residential community located at the Ventura-Santa Barbara County line. The update eliminated overlap of CSA 29's sphere with that of the Carpinteria Sanitary District, which is the district that provides wastewater collection and treatment for the Rincon Point community. Rincon Point is the northernmost coastal residential community in Ventura County, and was annexed by the Carpinteria Sanitary District in 2008 as part of a larger annexation that included the Rincon Point community on both sides of the Ventura/Santa Barbara County line. Pursuant to the provisions of Government Code § 56066, Santa Barbara County is the principal county for LAFCo purposes, as it relates to the Carpinteria Sanitary District's service in Ventura County.

In response to the contents of the MSR prepared for the District for consideration by the Commission at today's meeting, staff recommends that the Commission update the District's sphere, resulting in a reduction of the sphere through the exclusion of the area stretching north from the unincorporated community of La Conchita to the Ventura-Santa Barbara county line (consisting primarily of Highway 101), with La Conchita remaining within the CSA 29 sphere. County Water and Sanitation staff indicates that its existing service terminates at and includes the unincorporated community of Mussel Shoals, immediately south of La Conchita. While County Water and Sanitation staff does not foresee expansion of its system at this time, the potential need for sewer service to the La Conchita community (which is currently served exclusively by private septic systems) warrants retention of this area within the CSA 29 sphere. The recommended update to CSA 29's sphere would not result in changes to CSA 29's current service area boundaries. Instead, it would more accurately reflect the District's existing and probable service area. The existing sphere of influence boundary otherwise continues to reflect the District's current and probable service area, and is justified based on the MSR report¹ which demonstrates that the District has the ability to provide its services at acceptable levels. If the Commission updates the sphere as recommended, the portion of CSA 29's service area located outside the updated sphere may be detached at a future date.

District staff have reviewed the recommended sphere update and have no objections.

Written Determinations

Government Code § 56425(e) requires that, in determining the sphere of influence of an agency, the Commission consider and prepare a written statement of its determinations with respect to each of the following:

- (1) *The present and planned land uses in the area, including agricultural and open-space lands.*
(§ 56425(e)(1))

¹ The MSR report is included as Agenda Item 15 for Commission consideration at the Commission's February 16, 2022, meeting. The staff recommendation regarding the sphere of influence is based, in part, on the information provided in the draft MSR report.

The area to be removed from the CSA 29 sphere of influence is designated by the County General Plan as *Open Space*, is not currently served by CSA 29, and is not anticipated to be served by CSA 29 in the foreseeable future. Based on the County General Plan designation and characteristics of this area, the existing use of the land is expected to remain unchanged.

(2) *The present and probable need for public facilities and services in the area. (§ 56425(e)(2))*

The sphere of influence update is not the result of a change in demand for public facilities and services. The District does not provide urban services to the area recommended for removal from the sphere. This land is not expected to require the provision of District services, and is anticipated to remain in its current land uses for the foreseeable future, based on its County General Plan designation. Therefore, there appears to be no need for municipal services from the District within the area in the foreseeable future.

(3) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide. (§ 56425(e)(3))*

The sphere of influence update, as recommended, would reduce the size of the District's sphere of influence. Therefore, it would not result in new demands on the District that would adversely impact the present capacity of public facilities and adequacy of public services that the District 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. (§ 56425(e)(4))*

The recommended update to the District's sphere of influence does not involve territory that is known to be a community of interest. Therefore, the sphere of influence update would not result in a detrimental impact to any social or economic communities of interest.

(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. (§ 56425(e)(5))*

The District's current sphere of influence does not include either of the two communities that the Commission determined met the definition of a disadvantaged unincorporated community (i.e., Nyeland Acres and Saticoy) (Ventura LAFCo Commissioner's Handbook Section 3.2.5). Therefore, the recommended sphere update will not result in changes to available service within any disadvantaged unincorporated communities.

California Environmental Quality Act (CEQA)

A project is defined in CEQA § 21065, in part, as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The subject sphere of influence update is considered to be a project subject to CEQA because it involves a net reduction to the existing sphere boundary, which will reduce the area available for the expansion of municipal services. However, it is recommended that the Commission find that the reduction in the District’s sphere of influence is exempt from CEQA pursuant to § 15061(b)(3) of the CEQA Guidelines, because “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” No change in regulation, land use, or development will occur as a result of the recommended sphere of influence update.

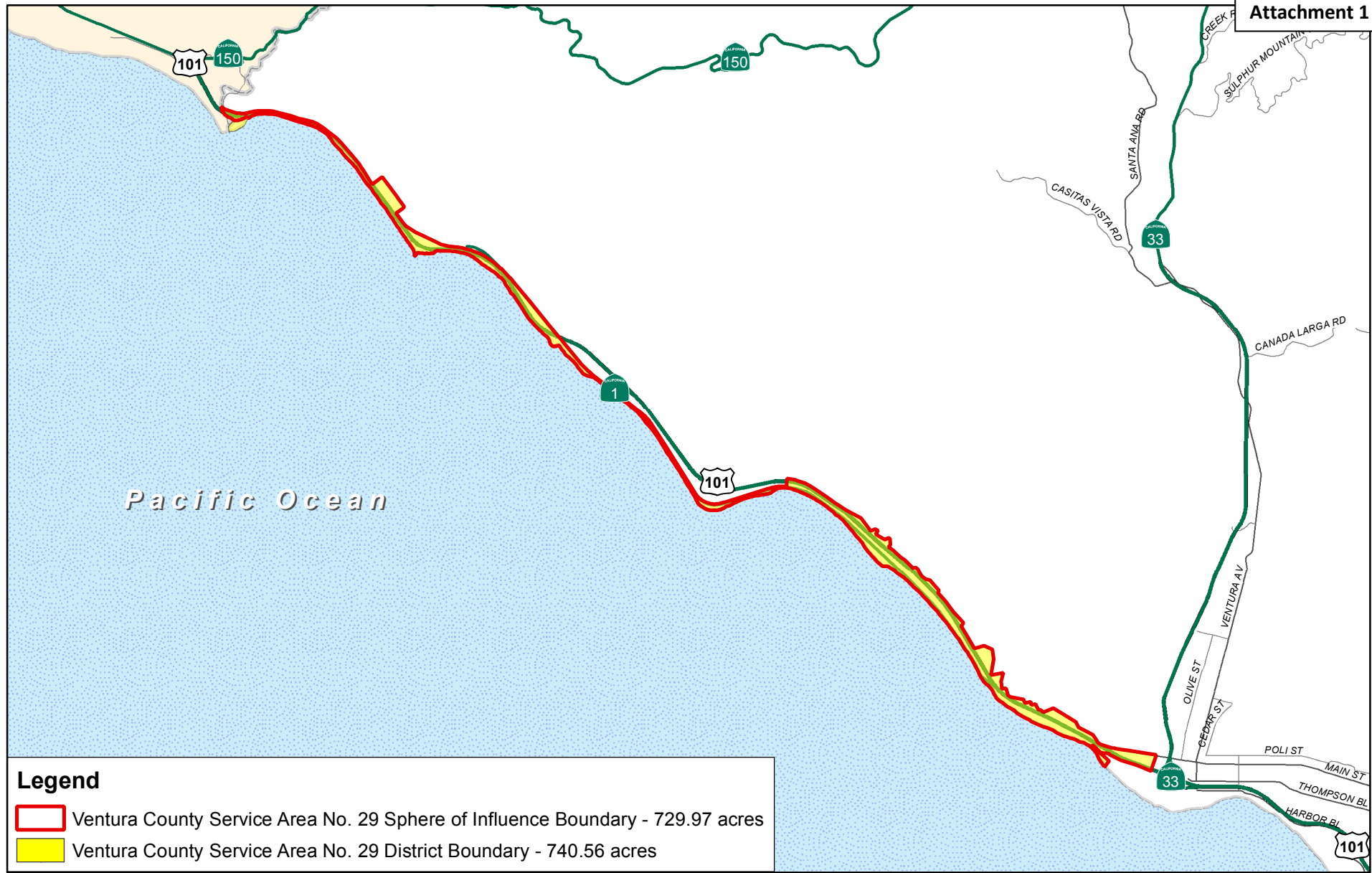
Notice of Public Hearing

This matter has been noticed as a public hearing pursuant to Government Code § 56427. Additionally, all affected agencies have been notified of the public hearing.



Attachments:

1. Existing Sphere of Influence Map for CSA 29
2. Recommended Sphere of Influence Update Map for CSA 29 (Location Map)
3. Recommended Sphere of Influence Update Map for the CSA 29 (Aerial Map)
4. LAFCo 22-07S Resolution

LAFCo makes every effort to offer legible map files with the online and printed versions of our reports; however, occasionally the need to reduce oversize original maps and/or other technological/software factors can compromise readability. Original maps are available for viewing at the LAFCo office by request.



Legend

-  Ventura County Service Area No. 29 Sphere of Influence Boundary - 729.97 acres
-  Ventura County Service Area No. 29 District Boundary - 740.56 acres

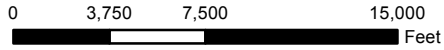
Ventura County Service Area No. 29

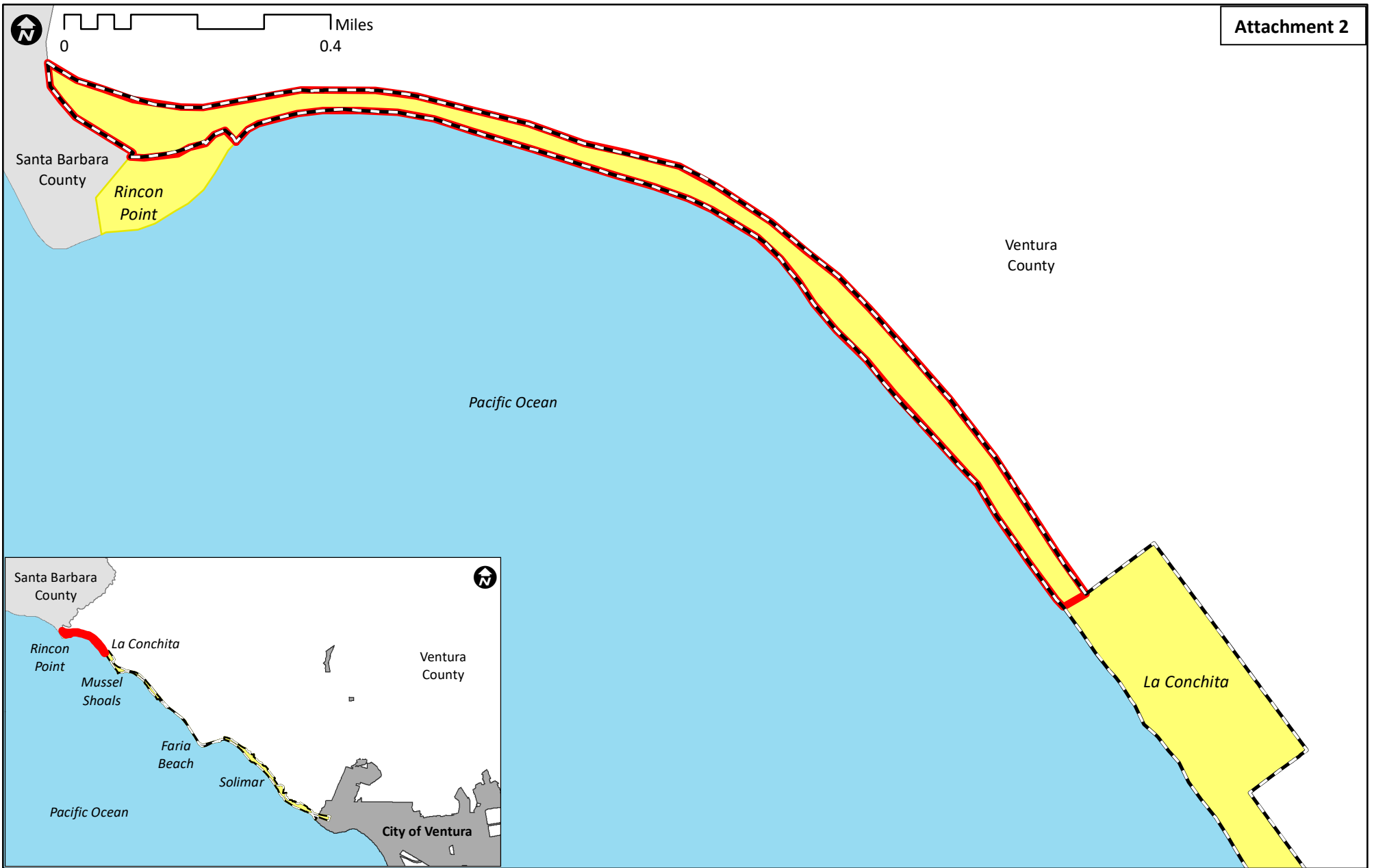
Current as of July 16, 2014

Prepared by County of Ventura - Information Systems Department - GIS Division
 State Plane Coordinate System California Zone V - NAD 27




This map was compiled from records and computations

WARNING: The information contained hereon 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.








LAFCo 22-07S
Ventura County Service Area No. 29 (CSA 29)
Sphere of Influence Update
February 16, 2022

-  Area to be Considered for Removal from CSA 29 Sphere
-  CSA 29 - Sphere of Influence
-  CSA 29 - District



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-  CSA 29 - District

LAFCO 22-07S

**RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION
COMMISSION MAKING DETERMINATIONS AND UPDATING THE
SPHERE OF INFLUENCE FOR VENTURA COUNTY SERVICE AREA
NO. 29**

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

WHEREAS, Government Code § 56425(g) requires that on or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update the sphere of influence of each city and special district; and

WHEREAS, the Commission reviewed the sphere of influence for Ventura County Service Area No. 29 (CSA 29 or District) in 2004, reviewed the sphere in 2009, and updated the sphere in 2014;

WHEREAS, the Commission desires to update the sphere of influence for the District; and

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

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

WHEREAS, the sphere of influence update item was duly considered at a public hearing on February 16, 2022, as specified in the notice of hearing; 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, the LAFCo Staff Report dated February 16, 2022, and recommendations; and

WHEREAS, the Commission accepted the Municipal Service Review report for the District dated February 16, 2022.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Commission as follows:

- (1) The LAFCo Staff Report dated February 16, 2022, and recommended update of the sphere of influence for the District are adopted; and
- (2) The subject sphere of influence update is assigned the following distinctive short form designation:

LAFCO 22-07S VENTURA COUNTY SERVICE AREA NO. 29 SPHERE OF INFLUENCE UPDATE; and

- (3) The sphere of influence update for the District is exempt from the California Environmental Quality Act (CEQA) pursuant to § 15061(b)(3) of the CEQA Guidelines, and LAFCo staff is directed to file a Notice of Exemption as the lead agency pursuant to § 15062 of the CEQA Guidelines; and
- (4) 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. (§ 56425(e)(1))*

The area to be removed from the CSA 29 sphere of influence is designated by the County General Plan as *Open Space*, is not currently served by CSA 29, and is not anticipated to be served by CSA 29 in the foreseeable future. Based on the County General Plan designation and characteristics of this area, the existing use of the land is expected to remain unchanged.

b. *The present and probable need for public facilities and services in the area. (§ 56425(e)(2))*

The sphere of influence update is not the result of a change in demand for public facilities and services. The District does not provide urban services to the area recommended for removal from the sphere. This land is not expected to require the provision of District services, and is anticipated to remain in its current land uses for the foreseeable future, based on its County General Plan designation. Therefore, there appears to be no need for municipal services from the District within the area in the foreseeable future.

c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide. (§ 56425(e)(3))*

The sphere of influence update, as recommended, would reduce the size of the District's sphere of influence. Therefore, it would not result in new demands on the District that would adversely impact the present capacity of public facilities and adequacy of public services that the District provides or is authorized to provide.

d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency. (§ 56425(e)(4))*

The recommended update to the District's sphere of influence does not involve territory that is known to be a community of interest. Therefore, the sphere of influence update would not result in a detrimental impact to any social or economic communities of interest.

e. *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. (§ 56425(e)(5))*

The District's current sphere of influence does not include either of the two communities that the Commission determined met the definition of a disadvantaged unincorporated community (i.e., Nyeland Acres and Saticoy) (Ventura LAFCo Commissioner's Handbook Section 3.2.5). Therefore, the recommended sphere update will not result in changes to available service within any disadvantaged unincorporated communities.

- (5) The sphere of influence for the District is hereby updated as generally depicted in Exhibit A, "Ventura County Service Area No. 29 – Sphere of Influence Update, February 16, 2022," attached hereto; and

- (6) LAFCo staff is directed to have the official Geographic Information System (GIS) sphere of influence data maintained for the Ventura LAFCo by the Ventura County Information Technology Services Department as the official sphere of influence record for the District updated consistent with this action.

This resolution was adopted on February 16, 2022.

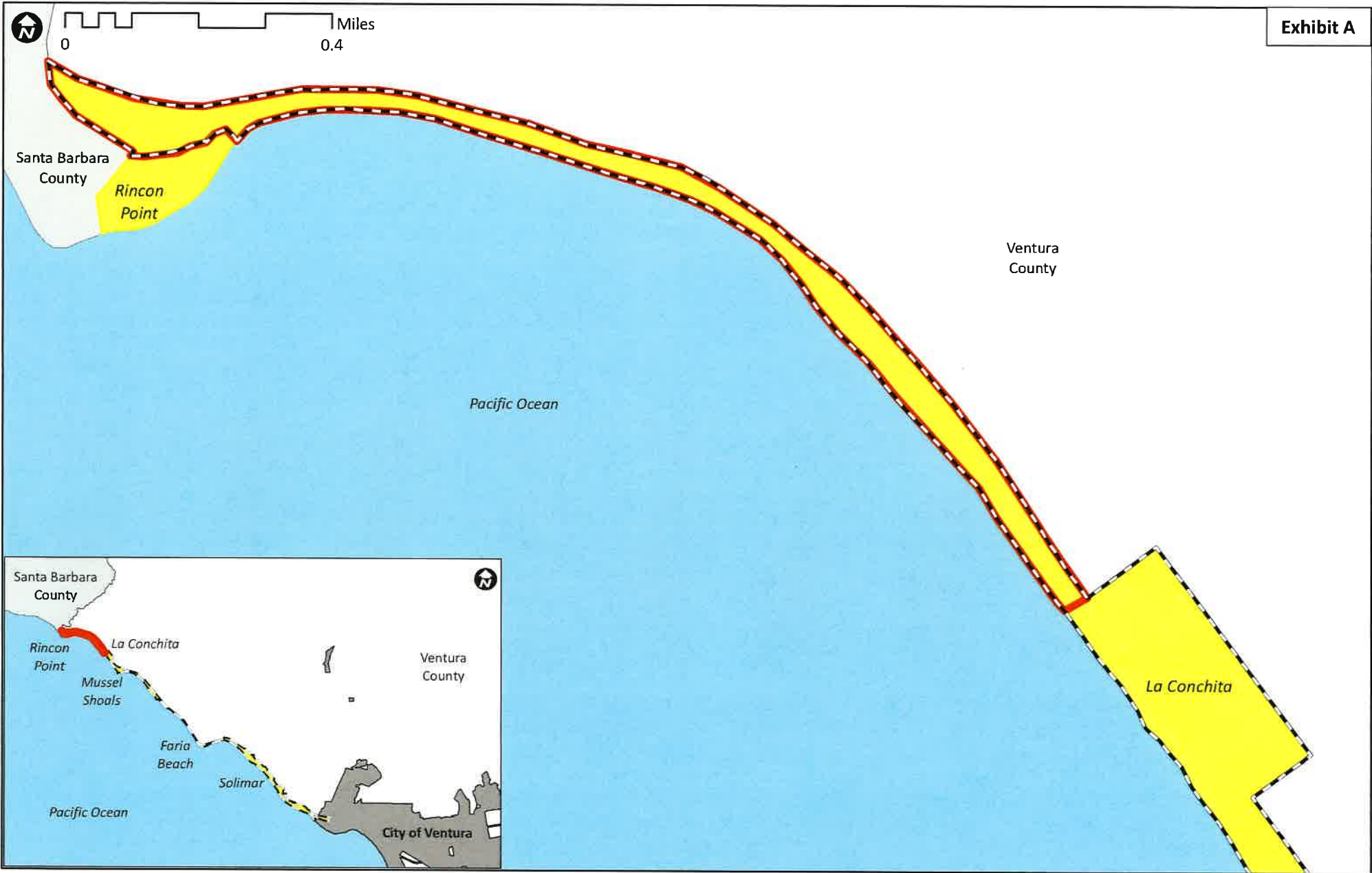
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Commissioner Freeman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Commissioner Parvin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ramirez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Rooney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Curtis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Alt. Commissioner Ross	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Zaragoza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2-16-2022
February 16, 2022




Carmen Ramirez
Chair, Ventura Local Agency Formation Commission

Attachment: Exhibit A

c: Ventura County Service Area No. 29
Ventura County Information Technology Services Department



LAFCo 22-07S
Ventura County Service Area No. 29 (CSA 29)
Sphere of Influence Update
February 16, 2022

-  Area to be Considered for Removal from CSA 29 Sphere
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-  CSA 29 - District