



VENTURA LOCAL AGENCY FORMATION COMMISSION
STAFF REPORT

Meeting Date: February 16, 2022

TO: LAFCo Commissioners
FROM: Andrea Ozdy, Deputy Executive Officer
SUBJECT: Sphere of Influence Review and Update:
 LAFCo 22-04S Ojai Valley Sanitary District

Andrea Ozdy

Recommendations:

- A. Determine that the sphere of influence update for the Ojai Valley Sanitary District (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 22-04S (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.

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

LAFCo's past sphere of influence reviews resulted in the following: (1) an update of the sphere in 2005, (2) an update of the sphere in 2010, and (3) a review (i.e., no changes) of the sphere in 2015.

Discussion:

District Information

The Ojai Valley Sanitary District was formed in 1985 as an independent special district, and is governed by a seven-member board of directors. The District provides wastewater collection and treatment services to the Ojai Valley north of the City of San Buenaventura. Its service area includes the City of Ojai, and the unincorporated areas of Meiners Oaks, Oak View, Casitas Springs, and the North Ventura Avenue area within the City of San Buenaventura's sphere of influence. The OVSD was formed as a result of the consolidation of the Ventura Avenue Sanitary District, Oak View Sanitary District, Meiners Oaks Sanitary District, and City of Ojai Sanitation Department. Its sphere of influence covers about 9,586 acres (approximately 15 square miles), and its service area totals about 8,629 acres (nearly 13.5 square miles) (see 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 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 April 20, 2005, (in response to LAFCo's December 12, 2003, MSR prepared for the District), the Commission updated the District's sphere of influence, resulting in the following, generally: (1) inclusion in the District's sphere of all parcels that were designated by the City of San Buenaventura (for territory within the City of San Buenaventura's sphere of influence), by the City of Ojai (for territory within the City of Ojai's sphere of influence), and by the County (in the remaining areas) for some type of urban use (residential, commercial, or industrial), (2) exclusion of remaining areas unless the territory was owned by the District or was already

being served by the District, and (3) exclusion of territory subject to a Land Conservation Act contract¹ (i.e., Williamson Act contract). As a result of the update, the OVSD's sphere of influence experienced a net reduction of approximately 2,000 acres.

On June 9, 2010, the Commission again updated the District's sphere of influence to include a developed residential parcel that was already receiving service by the District.

On October 21, 2015, the Commission reviewed, but did not update, the District's sphere of influence.

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 following three areas totaling approximately 202.5 acres, as depicted in Attachments 2 and 3: (1) a 5.5-acre area located south of and along Creek Road, east of the intersection of Creek Road and Country Club Drive ("Area 1"), (2) a 127-acre area located immediately north of Casitas Vista Road that is bisected by Highway 33, including a portion of Foster Park ("Area 2"), and (3) a 70-acre area north of and contiguous to the City of San Buenaventura, immediately east of the intersection of North Ventura Avenue and Shell Road ("Area 3"). Removal of these areas from the sphere is appropriate because the District has no plans to provide sewer serve to this territory. Furthermore, these areas are designated as *Open Space* by the Ventura County General Plan. Areas 1 and 2 are designated as *Open Space* by the Ojai Valley Area Plan and have no city general plan designation, and Area 3 is designated as *Oilfield Industrial* by the North Ventura Avenue Area Plan and as *Parks and Open Space* by the City of San Buenaventura's General Plan.

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 report² which demonstrates that the District has the ability to provide urban services at acceptable levels.

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 In general, a Land Conservation Act contract is a voluntary agreement between the County and a landowner, whereby the contracted land is restricted to agricultural or open space uses for a minimum 10-year period in exchange for preferential property tax treatment.

² 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.

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

The approximately 202.5-acre area to be removed from the District's sphere of influence has a County General Plan designation of *Open Space*. Based on the characteristics of the territory, 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 District does not provide urban services to the land area recommended for removal from the sphere as part of the recommended sphere update. The territory is not expected to require the provision of District services, and is anticipated to remain in its current land use 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.

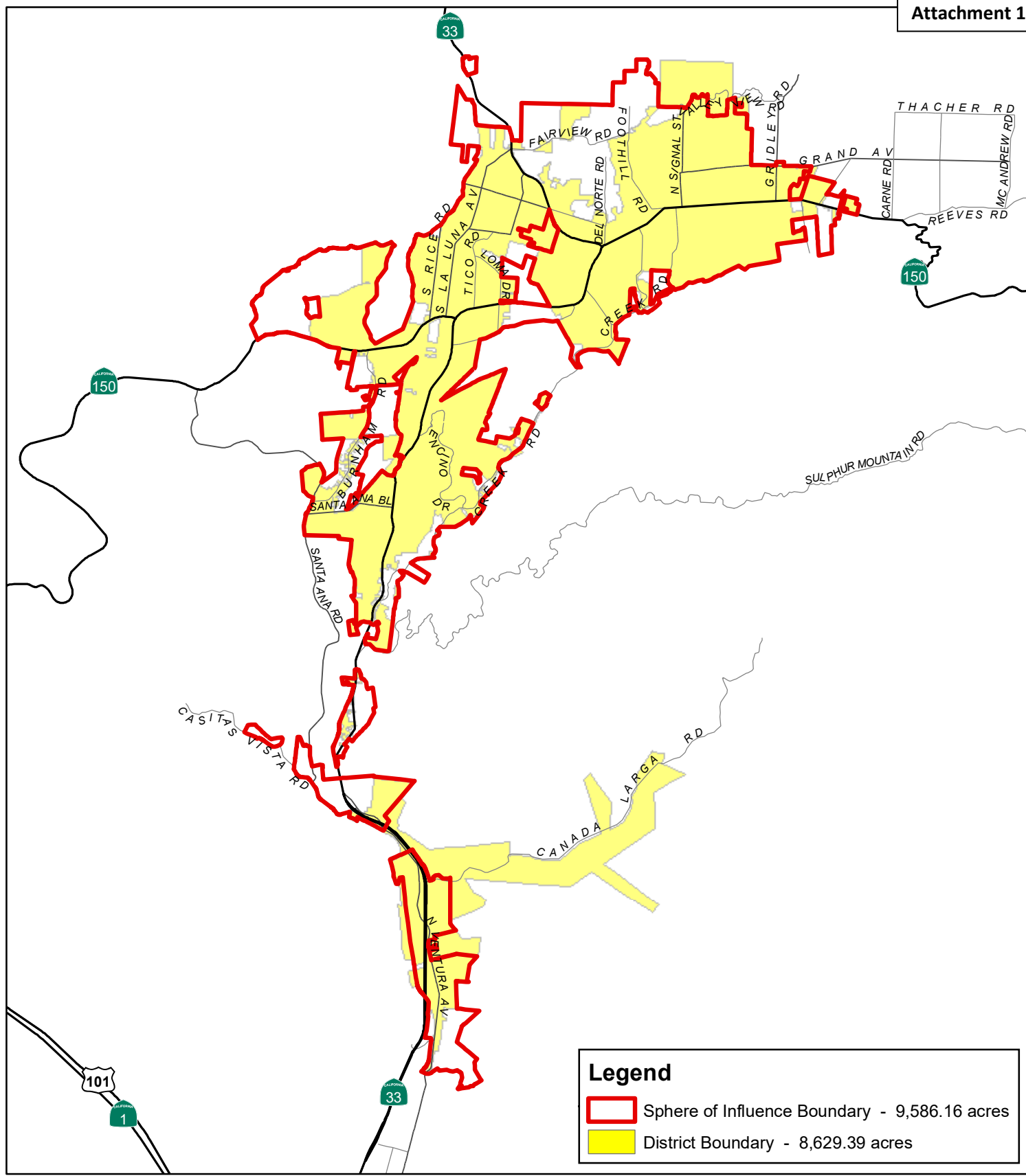
Notice of Public Hearing

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 the Ojai Valley Sanitary District
2. Recommended Sphere of Influence Update Map for the Ojai Valley Sanitary District (Location Map)
3. Recommended Sphere of Influence Update Map for the Ojai Valley Sanitary District (Aerial Map)
4. LAFCo 22-04S Resolution

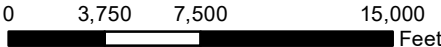
LAFCo makes every effort to offer legible map files with the online and printed versions of our reports; however, occasionally the need to reduce oversize original maps and/or other technological/software factors can compromise readability. Original maps are available for viewing at the LAFCo office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



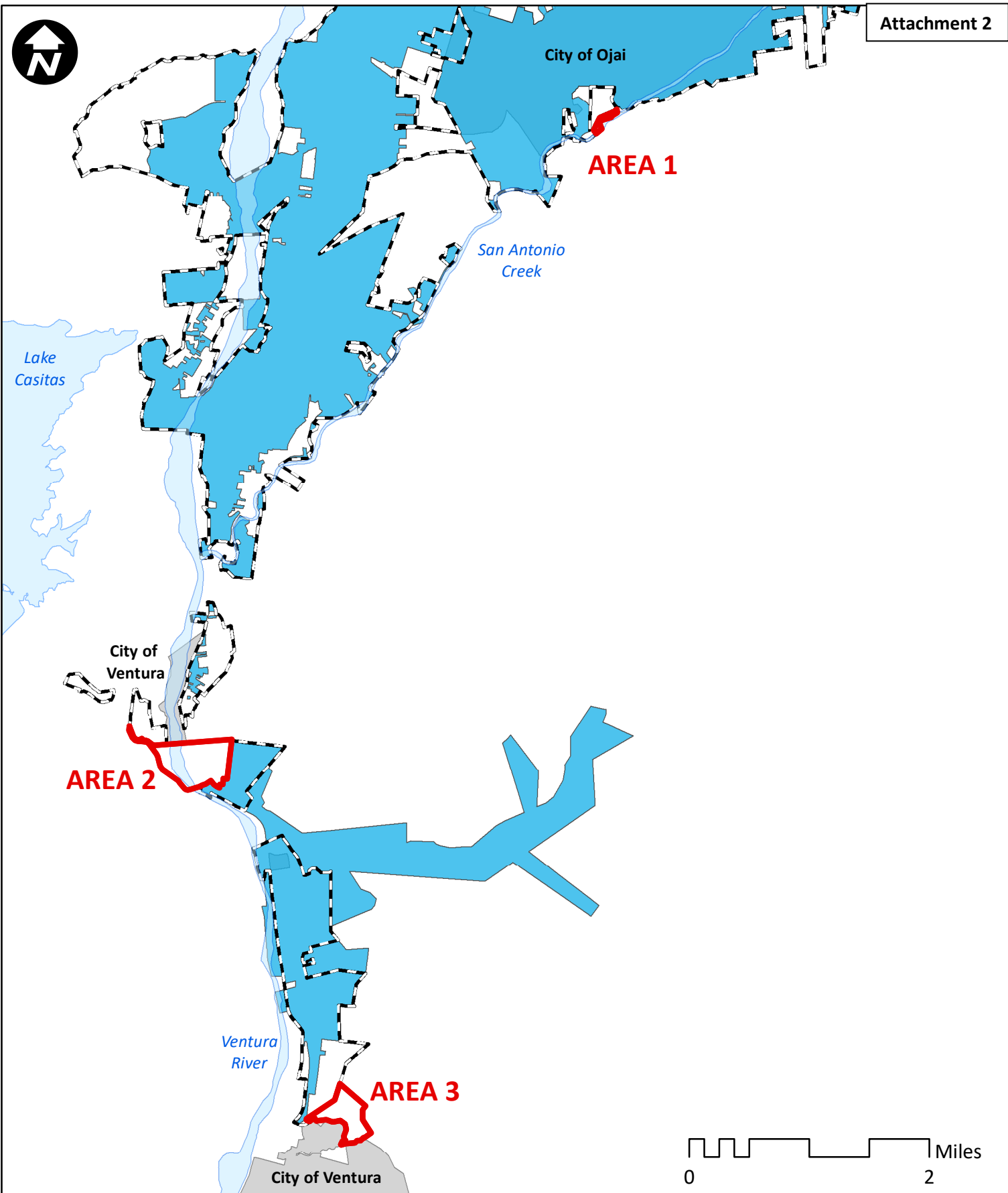
Ojai Valley Sanitary District

Current as of December 16, 2019





Prepared by County of Ventura - IT Services Department - GIS Division
 State Plane Coordinate System California Zone V - NAD 27
 This map was compiled from records and computations

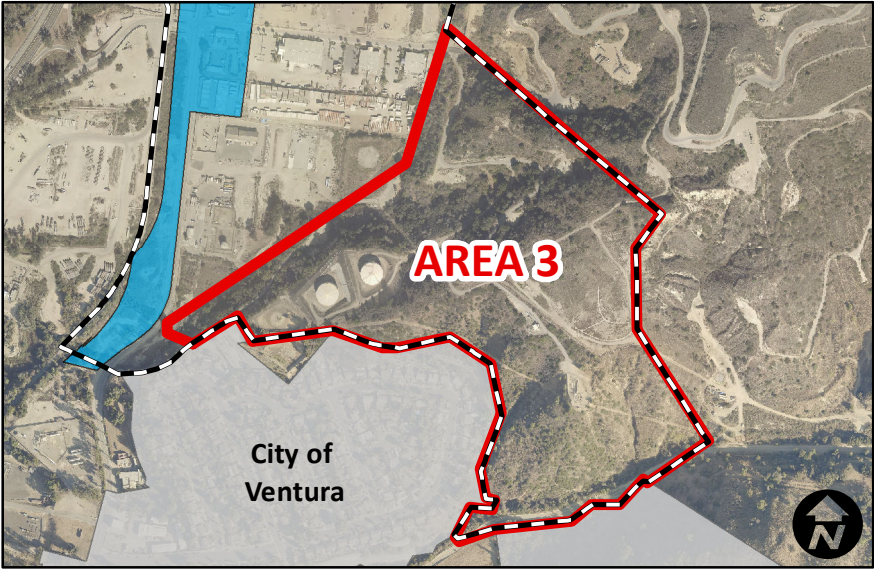
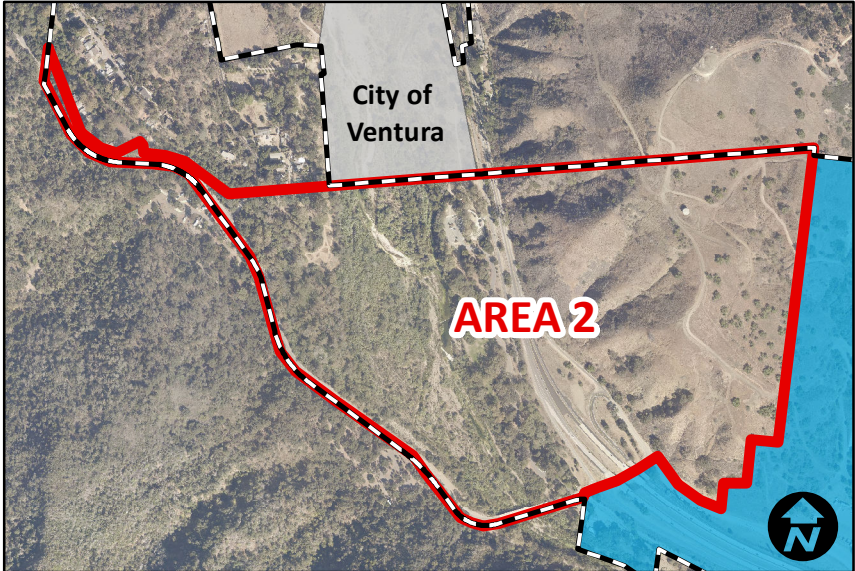
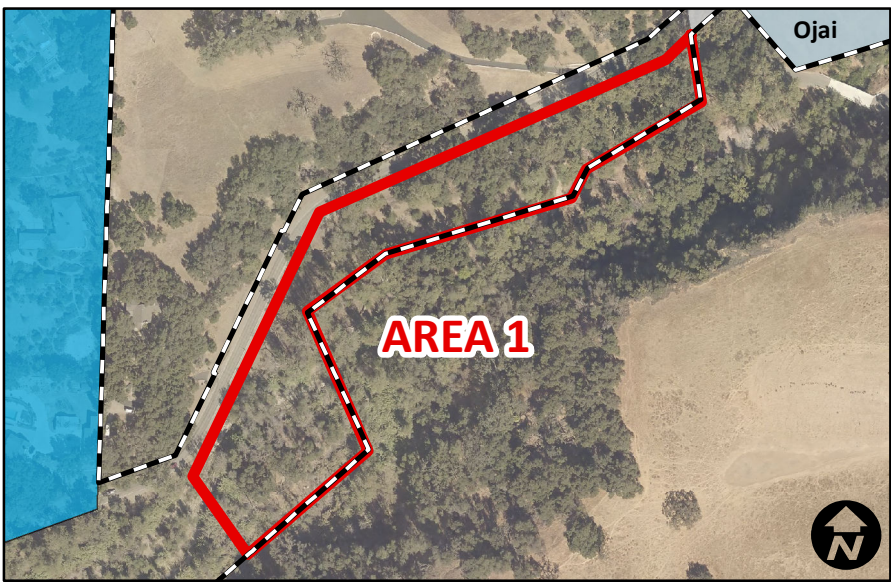


WARNING: The information contained hereon was created by the Ventura County Geographic Information System (GIS), which is designed and operated solely for the convenience of the County and related contract entities. The County does not warrant the accuracy of this information, and no decision involving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







LAFCo 22-04S
Ojai Valley Sanitary District (OVSD)
Sphere of Influence Update
February 16, 2022

-  Area to be Considered for Removal from Sphere
-  OVSD - Sphere of Influence
-  OVSD - District
-  City Boundaries



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LAFCO 22-04S

**RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION
COMMISSION MAKING DETERMINATIONS AND UPDATING THE
SPHERE OF INFLUENCE FOR THE OJAI VALLEY SANITARY
DISTRICT**

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 updated the sphere of influence for the Ojai Valley Sanitary District (District) in 2005 and 2010, and reviewed the sphere in 2015; and

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 22-04S OJAI VALLEY SANITARY DISTRICT 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 approximately 202.5 acres to be removed from the District's sphere has a County General Plan designation of *Open Space*. Based on the characteristics of the territory, 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 District does not provide urban services to the land area recommended for removal from the sphere as part of the recommended sphere update. The territory is not expected to require the provision of District services, and is anticipated to remain in its current land use 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, "Ojai Valley Sanitary District – 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.

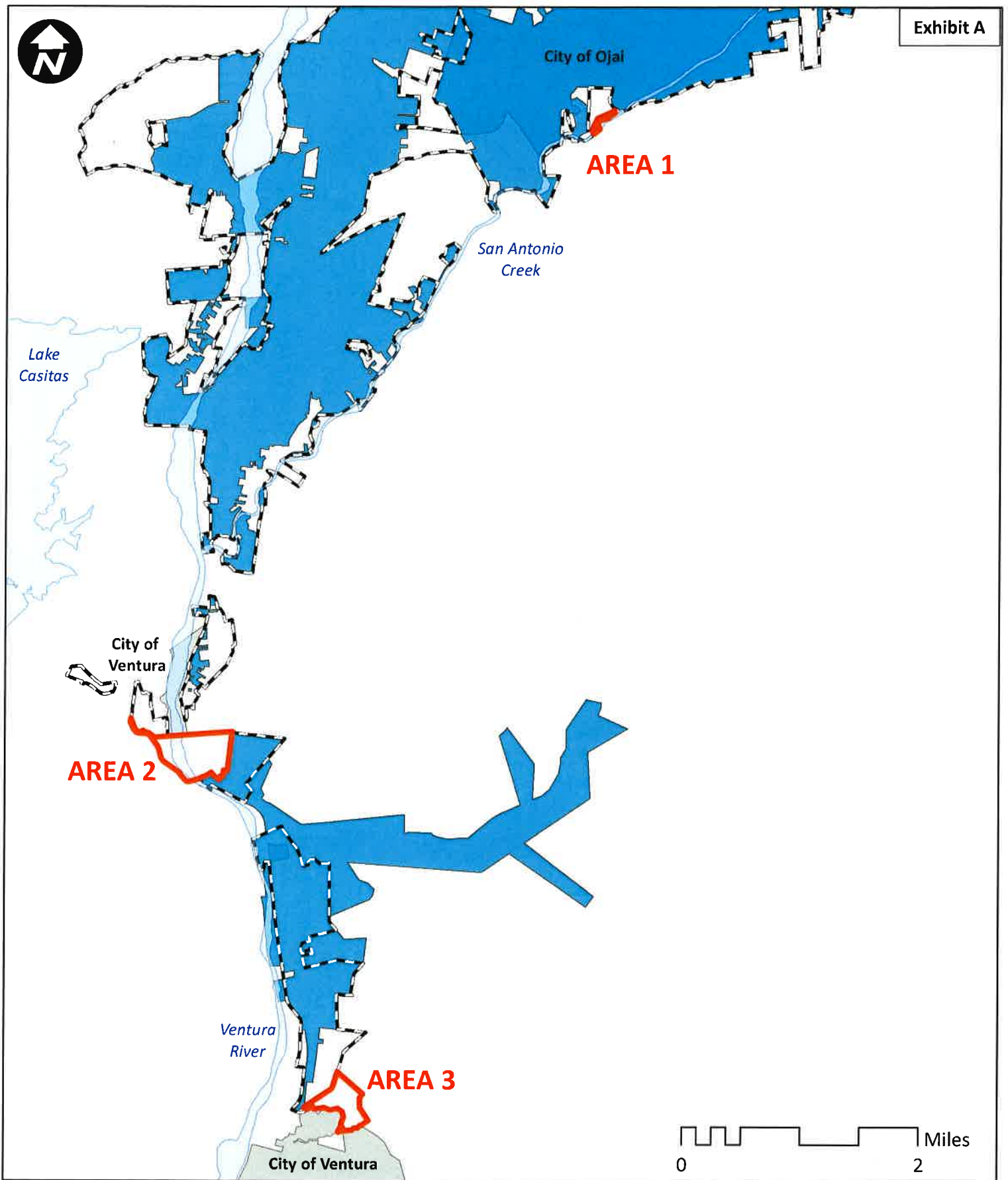
This resolution was adopted on February 16, 2022.

	AYE	NO	ABSTAIN	ABSENT
Commissioner Bill-de la Peña	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Freeman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>
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Commissioner Rooney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Zaragoza	<input 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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2/16/2022 Carmen Ramirez
Date Chair, Ventura Local Agency Formation Commission

Attachment: Exhibit A

c: Ojai Valley Sanitary District
Ventura County Information Technology Services Department



LAFCo 22-04S
Ojai Valley Sanitary District (OVSD)
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