

## ANALYSIS OF A PROPOSAL TO LAFCO

TITLE: 41<sup>st</sup> Avenue/Clares Detachment

LAFCO NO.: 919-A

PROPOSAL: Detach from Soquel Creek Water District

LOCATION: Two areas in the City of Capitola: commercial area west side of 41<sup>st</sup> Avenue, and mobilehome park on north side of Clares Street

<u><b>POLICIES AND STANDARDS</b></u>	<u><b>FINDINGS AND DETERMINATIONS</b></u>
<p data-bbox="147 722 808 793"><b><u>Santa Cruz LAFCO Policy 1.1 - Consistency With Spheres</u></b></p> <p data-bbox="147 795 808 905">All changes of organization shall be consistent with adopted spheres of influence of affected agencies.</p> <p data-bbox="147 940 358 976"><u>Standard 1.1.1</u></p> <p data-bbox="147 978 808 1123">Consistency shall be determined by a LAFCO finding of consistency with the sphere of influence maps and policies adopted by LAFCO for the affected agencies.</p> <p data-bbox="147 1159 748 1230"><b><u>Santa Cruz LAFCO Policy 1.2 - Need for Services</u></b></p> <p data-bbox="147 1232 808 1598">Any proposal involving annexations, incorporations, and formations shall not be approved unless it demonstrates a need for the additional services to be provided to the area; while all proposals involving detachments, disincorporations, and dissolutions shall not be approved unless the proponent demonstrates that the subject services are not needed or can be provided as well by another agency or private organization.</p> <p data-bbox="147 1633 358 1669"><u>Standard 1.2.1</u></p> <p data-bbox="147 1671 808 1963">For proposals concerning cities, need shall be established by (a) an adopted rezoning, consistent with the city general plan, that shows current or future development at a density that will require urban services such as sanitary sewer and water, and (b) a city growth rate and pattern that the subject area will be developed within 5 years.</p>	<p data-bbox="841 940 1502 1232">1.1.1 The detachment of the commercial area on 41<sup>st</sup> Avenue is consistent with the adopted sphere for the Soquel Creek Water District. The detachment of the mobilehome parcel on Clares Street would require that that parcel be removed from the water district sphere. The sphere amendment is agendized for the Sept. 5, 2007 LAFCO meeting.</p> <p data-bbox="841 1671 1133 1707">1.2.1 Not applicable.</p>

**POLICIES AND STANDARDS**

Standard 1.2.2

For proposals concerning water and sewer district annexations, need shall be established by lack of services to existing urban land uses, or a building permit application or allocation for a single-family dwelling or, for a larger project, by (a) a tentative or final land use entitlement (tentative subdivision map use permit, etc.) conditioned on obtaining water or sewer service and (b) a growth rate and pattern that the subject area will be developed within 5 years.

**FINDINGS AND DETERMINATIONS**

1.2.2 All the subject parcels are developed and served by the City of Santa Cruz Water Department.

Standard 1.2.3

For proposals concerning the extension of other services by annexation, incorporation, or district formation, need shall be established by the applicable general plan land use designations and the service levels specified for the subject area in the applicable general plan.

1.2.3 Not applicable.

Standard 1.2.4

For proposals involving the discontinuation of services, lack of need shall be established by (a) no serious effects on the current users of the service due to discontinuation and (b) no projected serious effects on the uses that can be expected to occur in the next 5 years based upon the applicable general plan and projected growth rates and patterns.

1.2.4 The Soquel Creek Water District is not serving the subject parcels. They are developed and receive water from the City of Santa Cruz Water Department.

Standard 1.2.5

In reviewing proposals, LAFCO shall consider: (1) the “population” in the proposal area to be the population recorded in the last biennial or special census unless the proponent or affected agency can present updated or more detailed information which LAFCO determines to be more accurate, (2) the “population density” to be the population divided by the acreage, and (3) the “per capita assessed valuation” to be the full cash value of all the property in a proposal area (as set by the last secured property tax roll) divided by the population.

1.2.5 This data is not relevant to evaluate a water district detachment.

<b><u>POLICIES AND STANDARDS</u></b>	<b><u>FINDINGS AND DETERMINATIONS</u></b>
<p><b><u>Santa Cruz LAFCO Policy 1.3 - General Plan</u></b></p> <p>In cases of overlapping plans, LAFCO shall make a determination of which general plan best carries out the policies of the Cortese-Knox-Hertzberg Local Government Reorganization Act.</p> <p><u>Standard 1.3.1</u> Generally, LAFCO will presume to favor a city's general plan inside the sphere of influence adopted for the city by LAFCO, and the county's general plan elsewhere. It is the proponent's responsibility to prove any exception by referring to the policies of the Cortese-Knox-Hertzberg Local Government Reorganization Act.</p> <p><b><u>Santa Cruz LAFCO Policy 1.4 - In-fill Development</u></b></p> <p>In order to avoid further urban sprawl, LAFCO shall encourage in-fill development in urban areas and annexations of areas inside the city spheres of influence.</p> <p><b><u>Santa Cruz LAFCO Policy 1.5 - Provision of Services</u></b></p> <p>In order for LAFCO to approve a change of organization, the proponent shall demonstrate that the subject services can be provided on a timely manner and at a reasonable cost.</p>	<p>1.3.1 The Capitola General Plan designates the 41<sup>st</sup> Avenue properties for Regional Shopping and the Clares Street property for Mobile Home Residential uses.</p>
<p><u>Standard 1.5.1</u> It is the general policy of the Commission to disapprove annexations to water and sewer agencies (including cities that provide either service) while there is a connection moratorium or other similar service limitation involving the subject water or sewer service. The Commission will consider exceptions to this general policy on a case-by-case basis. The Commission may approve an annexation that meets one or more of the following criteria:</p> <p>1) To replace a private water source that has failed, such as a well that has gone dry. New service connections shall not be sized to accommodate more intensive development.</p>	<p>1.5.1 Not applicable.</p>

**POLICIES AND STANDARDS**

2) To replace a septic system that has failed. New service connections shall not be sized to accommodate more intensive development.

3) To implement a transfer of service between two existing agencies in a manner that is consistent with the adopted Spheres of Influence of those agencies.

4) To change a boundary, in a manner consistent with an adopted Sphere of Influence, so that an agency boundary does not divide a property that could only be conveyed under a single deed . Between January 1, 1986 and the time the service limitation is totally lifted, the Commission shall limit the annexations so that the number of cumulative connections made under the above exemption criteria do not exceed 1% of the total agency’s flow (as expressed in equivalent single family dwelling units) in service on January 1, 1986.

An additional criterion, not subject to the 1% cumulative impact limitation, is a follows:

5) To provide facilities or funding that will allow the agency to lift its service limitation.

**Santa Cruz LAFCO Policy 1.6 - Staged Growth**

For large projects the Commission shall encourage plans for staged growth.

**Standard 1.6.1.**

For proposals involving the extension of water, or general municipal services to proposal areas greater than 50 acres, the proponent shall either (a) plan staged growth beginning closest to an existing urban area or (b) demonstrate why such a plan does not promote urban sprawl and an inefficient pattern of services.

**FINDINGS AND DETERMINATIONS**

1.6.1 Not applicable.

**Santa Cruz LAFCO Policy 2.1 - Number of Agencies**

Proposals, where feasible, should minimize the number of local agencies and promote the use of multi-purpose agencies.

**POLICIES AND STANDARDS**

Standard 2.1.1

New or consolidated service shall be provided by one of the following agencies in the descending order of preference:

- annexation to an existing city,
- annexation to an existing district of which the Board of Supervisors is the governing body,
- annexation to an existing multi-purpose district,
- annexation to another existing district,
- formation of a new county service area,
- incorporation of a new city,
- formation of a new multi-purpose district,
- formation of a new single-purpose district.

Standard 2.1.2

The Commission will promote and approve district consolidations, where feasible.

**Santa Cruz LAFCO Policy 2.2 - Logical Boundaries**

LAFCO shall promote more logical agency boundaries.

Standard 2.2.1

To the greatest possible extent, boundaries shall follow existing political boundaries, natural features (such as ridges and water courses), and constructed features (such as railroad tracks).

Standard 2.2.2

Boundary lines shall be located so that entire road rights-of-way are placed within the same jurisdiction as the properties fronting on the road.

Standard 2.2.3

Boundaries should avoid dividing an existing identifiable community, commercial district, or other area having social or economic homogeneity. Where such divisions are proposed, the proponents shall justify exceptions to this standard.

**FINDINGS AND DETERMINATIONS**

2.1.1 Not applicable.

2.1.2 There are no potential district consolidations associated with this proposal.

2.2.1 There are no natural or constructed features that define an obvious water district boundary.

2.2.2 The proposal would not establish a boundary that splits a right-of way fronting a parcel.

2.2.3 The proposal would place the entire Loma Vista Estates Mobilehome Park outside the Soquel Creek Water District boundary.

<b><u>POLICIES AND STANDARDS</u></b>	<b><u>FINDINGS AND DETERMINATIONS</u></b>
<p><u>Standard 2.2.4</u> The creation of boundaries that divide assessment parcels shall be avoided, wherever possible. If the proposed boundary divides assessment parcels, the proponent must justify to the Commission the necessity for such division. If the Commission approves the proposal, the Commission may condition the approval upon obtaining a boundary adjustment or lot split from a city or county.</p>	<p>2.2.4 The proposal will not divide an assessment parcel.</p>
<p><u>Standard 2.2.5</u> Boundaries should not be drawn so as to create an island or strip either within the proposed territory or immediately adjacent to it. Where such an island or strip is proposed, the proponent must justify reasons for nonconformance with this standard.</p> <p><u>Standard 2.2.6</u> Where feasible, city and related district boundary changes should occur concurrently to avoid an irregular pattern of boundaries.</p> <p><u>Standard 2.2.7</u> A map of any proposed boundary change shall show the present and proposed boundaries of all affected agencies in the vicinity of the proposal site. The Commission shall assure that any approved boundary changes are definite and certain. The Commission may approve a proposal conditioned on the proponent preparing a new boundary map and description.</p> <p><u>Standard 2.2.8</u> LAFCO will review each proposal and take actions needed to encourage timely annexations to discourage agencies from extending services by agreement without annexing to the agency.</p> <p><b><u>Santa Cruz LAFCO Policy 2.3 - Financially Desirable Areas</u></b> The sole inclusion of financially desirable areas in a jurisdiction shall be avoided.</p>	<p>2.2.5 The proposed boundary would not create an island or a strip.</p> <p>2.2.6 All applicable district boundary adjustments are included in the proposal.</p> <p>2.2.7 The proposed map is definite and certain.</p> <p>2.2.8 Not applicable.</p>

**POLICIES AND STANDARDS**

Standard 2.3.1

The Commission shall amend or reject any proposal that, in its estimation, appears to select principally revenue-producing properties for inclusion in a jurisdiction.

**Santa Cruz LAFCO Policy 2.4 - Overall Effects**

The Commission shall consider the effects of a proposed action on adjacent areas, mutual social and economic interests, and on local governmental structure.

Standard 2.4.1

For city annexation proposal, if the city has more jobs than places for workers to live (jobs to employed residents ration greater than 1.00) then a proposal which will directly result in urban development including new permanent employment may only be approved if sufficient land is designated for residential uses in the city's general plan to create a jobs/housing balance.

The Commission will consider and may grant waivers to this standard in cases where all of the following situations exist:

- 1) The territory being annexed is an island of incorporated territory and consistent with the definition of "island" in Government Code Section 56375.
- 2) The proposal is consistent with the spheres of influence of all affected agencies, and
- 3) The proposal has been initiated by resolution of the city which includes the subject property in its adopted sphere of influence.

**FINDINGS AND DETERMINATIONS**

2.3.1 Not applicable.

2.4.1 Not applicable.

**Santa Cruz LAFCO Policy 2.5 - Prezoning**

The Commission shall require prezoning for all city annexations so that the potential effects of the proposals can be evaluated by the Commission and known to the affected citizens.

2.5 Not applicable.

**POLICIES AND STANDARDS**

Santa Cruz LAFCO Policy 3.1 - Prime Agricultural Lands

Urban growth shall be guided away from prime agricultural lands, unless such action would not promote planned, orderly, efficient development of an area.

Standard 3.1.1

A change of organization is considered to promote the planned, orderly, and efficient development of an area when:

- a) It is consistent with the spheres of influence maps and policies adopted by LAFCO for the affected agencies.
- b) It conforms to all other policies and standards contained herein.

Santa Cruz LAFCO Policy 3.2 - Infill

LAFCO shall encourage the urbanization of vacant lands and non-prime agricultural lands within an agency's jurisdiction and within an agency's sphere of influence before the urbanization of lands outside the jurisdiction and outside the spheres of influence, and shall encourage detachments of prime agricultural lands and other open space lands from cities, water districts, and sewer districts if consistent with the adopted sphere of influence of the affected agency.

Standard 3.2.1

The priorities for urbanization are:

- 1) open-space lands within existing boundaries.
- 2) open-space lands within an adopted sphere of influence.
- 3) prime agricultural lands within existing boundaries.
- 4) prime agricultural lands within an adopted sphere of influence.

Standard 3.2.2

Proposals involving urbanization of prime agricultural lands within adopted spheres of influence shall not be approved unless it can be demonstrated that (a) there is insufficient land in the market area for the type of land use proposed, (b) there is no vacant land in the subject jurisdiction available for that type of use.

**FINDINGS AND DETERMINATIONS**

3.1.1 The proposal is generally consistent with the sphere of influence map, the sphere policies, and all other policies and standards of this commission. Concurrent with the detachment application, LAFCO is considering an amendment to remove the mobilehome parcel from the Soquel Creek Water District Sphere of Influence.

3.2.1. This site is mapped neither for open space or prime agricultural lands.

3.2.2 The proposal does not involve urbanization of the site. The site is already urbanized.

