

Date: January 3, 2008 for January 9th Agenda
From: Patrick M. McCormick, Executive Officer
To: Commissioners
Subject: Review of 65 Spheres of Influence

Summary: State law requires each LAFCO to periodically review the Sphere of Influence of each of the cities and special districts subject to LAFCO's boundary regulation. Santa Cruz LAFCO has adopted a schedule to review Spheres of Influence of the 82 agencies located in this county. The first hearing, scheduled for January 9, 2008, concerns the Spheres of Influence of 65 agencies for which neither the LAFCO staff nor the affected agencies have identified any substantial issue to consider any changes to the existing adopted Spheres of Influence for the agencies.

Recommendation: Conduct public hearing and adopt Resolution No. 2008-1 reviewing 65 Spheres of Influence and maintaining the current spheres of influence.

Government Code Section 56076 defines "Sphere of Influence" to be a plan for the probable physical boundaries and service area of a local agency, as defined by the LAFCO. Government Code Section 56425 (f) requires LAFCO to review all spheres of influence every five years.

In 2007, LAFCO completed a two-phase Countywide Service Review that evaluated service efficiencies of all LAFCO-regulated agencies in Santa Cruz County. On December 5, 2007, LAFCO adopted the principles and schedule to proceed with periodic sphere reviews. The first set of reviews is scheduled for public hearing on January 9, 2008. The subject agencies are two cities (Capitola and Santa Cruz) and 63 special districts (see following list) for which no significant issues have been identified by the affected agencies or the LAFCO staff to be the cause for LAFCO to consider amendments to the currently adopted Spheres of Influence for these 65 agencies:

CITIES

- City of Capitola
- City of Santa Cruz

FIRE DISTRICTS

- Aptos-La Selva Fire Protection District
- Aromas Tri-County Fire Protection District
- Boulder Creek Fire Protection District
- Branciforte Fire Protection District

- Central Fire Protection District
- Felton Fire Protection District
- Scotts Valley Fire Protection District

WATER DISTRICTS

- Lompico Water District
- San Lorenzo Valley Water District

PARK AND RECREATION DISTRICTS

- Alba Recreation and Park District
- Boulder Creek Recreation and Park District
- La Selva Recreation and Park District
- Opal Cliffs Recreation and Park District

MISCELLANEOUS DISTRICTS

- Davenport County Sanitation District
- Salsipuedes Sanitary District
- Mid-Peninsula Regional Open Space District
- Reclamation District 2049, College Lake
- Resource Conservation District of Santa Cruz County

COUNTY SERVICE AREAS

- County Service Area 2, Place de Mer
- County Service Area 3, Aptos-Seascape
- County Service Area 4, Pajaro Dunes Fire Protection
- County Service Area 5, Sand Dollar
- County Service Area 7, Boulder Creek Country Club
- County Service Area 9, County Public Works
- County Service Area 10, Rolling Woods
- County Service Area 11, Parks and Recreation
- County Service Area 15, Huckleberry Woods
- County Service Area 16, Robak Road
- County Service Area 17, Empire Acres
- County Service Area 18, Whitehouse Canyon
- County Service Area 20, Trestle Beach
- County Service Area 21, Westdale
- County Service Area 22, Kelly Hill
- County Service Area 23, Old Ranch Road
- County Service Area 24, Pineridge
- County Service Area 25 Viewpoint Road
- County Service Area 26, Hidden Valley
- County Service Area 28, Lomond Terrace
- County Service Area 30, Glenwood Acres
- County Service Area 32, View Circle

- County Service Area 33, Redwood Drive
- County Service Area 34, Larsen Road
- County Service Area 35, Country Estates
- County Service Area 36, Forest Glen
- County Service Area 37, Roberts Road
- County Service Area 38, Sheriff's Patrol
- County Service Area 39, Reed Street
- County Service Area 40, Ralston Way
- County Service Area 41, Loma Prieta Drive
- County Service Area 42, Sunlit Lane
- County Service Area 43, Bonita Encino
- County Service Area 44, Sunbeam Woods
- County Service Area 47, Braemoor Drive
- County Service Area 50, The Vineyard
- County Service Area 51, Hopkins Gulch
- County Service Area 52, Upper Pleasant Valley
- County Service Area 53, Mosquito Abatement
- County Service Area 54, Summit West Water
- County Service Area 55, Riverdale Park
- County Service Area 56, Felton Grove
- County Service Area 57, Graham Hill
- County Service Area 58, Ridge Road
- County Service Area 59, McGaffigan Mill Road

In accordance with LAFCO's sphere review principle's, the purpose of the January 9, 2008 public hearing is to provide an opportunity for anyone not previously consulted in review process to raise a significant issue concerning any agency's sphere. The most likely type of significant issue would be that the current sphere of influence map for an agency should be revised to include or exclude territory from the LAFCO-adopted Sphere of Influence for that agency.

The Commission should consider any testimony made at the hearing and decide if it raises an issue that will necessitate additional analysis and notice in order for LAFCO to consider amending an agency's Sphere of Influence. If the Commission determines that a significant issue exists for an agency's sphere, the Commission should delete that agency from the list of 65 "no-issue" spheres being review on January 9th, and direct staff to prepare an analysis and schedule the subject agency's sphere for hearing later in 2008.

Public Comments

The LAFCO staff has responded to three contacts following the public notice.

A property owner in the Roberts Road County Service Area inquired about annexing territory to their CSA. The LAFCO staff responded that the parcels in question are already within the CSA's sphere, and that the annexation process could currently be initiated by property owner petition or resolution of the Board of Supervisors.

Two other contacts were from agency managers of one of the 65 agencies on the list of "no issue" agencies. The question was what happens if an agency's sphere is reviewed and unchanged in January, and an adjacent agency suggests a sphere amendment that will be heard later in 2008. I said that his agency's sphere will be "at risk" later in the year, and that LAFCO staff would contact all potentially affected agencies to solicit their positions during the LAFCO staff studies, and would notice the potentially affected agencies when the hearing dates are set.

Also, the public should understand that any sphere that is amended later in the year does not result in an automatic annexation or detachment of the subject territory. Generally, LAFCO does not have the authority to initiate boundary changes. State law specifies that boundary change applications can be filed with LAFCO by:

- resolution of an affected city council or district board
- petition of property owners in the subject territory
- petition of registered voters residing in the subject territory.

By state law, any LAFCO action on an application has to be consistent with the adopted Sphere of Influence of each agency gaining or losing territory.

Environmental Review

The staff has prepared a Negative Declaration, which determines that no Environmental Impact Report needs to be prepared for this project. As of the writing of this staff report, no public comment has been received in response to the public notice of the Negative Declaration.

Recommendation

Staff recommends that the Commission conduct the public hearing and adopt draft Resolution No. 2008-1 affirming the 2008 review of the 65 "no issue" spheres.

If the Commission determines that there is an issue with one or more of the agencies subject to the public hearing, that agency's sphere should be heard with similar agencies' sphere hearings based upon the Commission schedule. At the Commission's next meeting, the spheres currently scheduled for hearing are four fire agencies:

- Ben Lomond Fire Protection District,
- County Service Area 48--County Fire,
- Pajaro Valley Fire Protection District,
- Zayante Fire Protection District.

cc: 65 Agencies (2 cities and 63 districts)

Attachments:

- Draft Resolution No. 2008-1
- Maps of 65 Spheres of Influence
- Staff Memo from December 5, 2007 Agenda Outlining Sphere Review Program
- Government Code Section 56425
- Public Notice
- Initial Study and Negative Declaration