

**COLUSA
LOCAL AGENCY FORMATION
COMMISSION**

**ARBUCKLE PUD
SPHERE OF INFLUENCE UPDATE**

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Resolution 2013-0002

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1 INTRODUCTION

1.1 Sphere of Influence Requirements

In determining the Sphere of Influence for each local agency, LAFCO must consider and prepare a statement of determinations with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open space lands
2. The present and probable need for public facilities and services in the area
3. The present capacity of public facilities and adequacy of public services which the agency 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

1.2 Possible Approaches to the Sphere of Influence

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines of Colusa LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These seven approaches are explained below:

1) Coterminous Sphere:

The sphere for a city or special district that is the same as its existing boundaries.

2) Annexable Sphere:

A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside its boundaries and inside the sphere. This is the recommendation for the Arbuckle PUD

3) Detachable Sphere:

A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere.

4) Zero Sphere:

A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.

5) Consolidated Sphere:

A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.

6) Limited Service Sphere:

A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the

same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following four conditions exist:

- a) The limited service provider is providing adequate, cost effective and efficient services
- b) The multi-service agency is the most logical provider of the other services
- c) There is no feasible or logical SOI alternative, and
- d) Inclusion of the territory is in the best interests of local government organization and structure in the area

Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section §56425(i), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to “establish the nature, location, and extent of any functions of classes of services provided by existing districts” recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

7) Sphere Planning Area:

LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency’s SOI in the future to include territory not yet within its official SOI.

1.3 SOI Amendments and CEQA

LAFCO has the discretion to limit SOI updates to those that it may process without unnecessarily delaying the SOI update process or without requiring its funding agencies to bear the costs of environmental studies associated with SOI expansions. Any local agency or individual may file a request for an SOI amendment. The request must state the nature of and reasons for the proposed amendment, and provide a map depicting the proposal.

LAFCO may require the requester to pay a fee to cover LAFCO costs, including the costs of appropriate environmental review under CEQA. LAFCO may elect to serve as lead agency for such a review, may designate the proposing agency as lead agency, or both the local agency and LAFCO may serve as co-lead agencies for purposes of an SOI amendment. Local agencies are encouraged to consult with LAFCO staff early in the process regarding the most appropriate approach for the particular SOI amendment under consideration.

Certain types of SOI amendments are usually exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, and zero SOIs. SOI expansions for limited purpose agencies that provide services (e.g., fire protection, levee protection, cemetery, and resource conservation) needed by both rural and urban areas are typically not considered growth-inducing and are likely exempt from CEQA. Similarly, SOI expansions for districts serving rural areas (e.g., irrigation water) are typically not considered growth-inducing.

Remy et al. write

In City of Agoura Hills v. Local Agency Formation Commission (2d Dist.1988) 198 Cal.App.3d480, 493-496 [243 Cal.Rptr.740] (City of Agoura Hills), the court held that a LAFCO's decision to approve a city's sphere of influence that in most respects was coterminous with the city's existing municipal boundaries was not a "project" because such action did not entail any potential effects on the physical environment.¹

Since the recommendation for the Arbuckle PUD Sphere of Influence follows the land use designations in the Colusa County General Plan adopted in 2012, the environmental review for the SOI adoption will reference the Environmental Impact Report prepared for the General Plan.

¹ Remy, Michael H., Tina A. Thomas, James G. Moose, Whitman F. Manley, Guide to CEQA, Solano Press Books, Point Arena, CA, February 2007, page 111.

2 SPHERE OF INFLUENCE (SOI) DETERMINATIONS FOR ARBUCKLE PUD

2.1 Present and Planned Land Uses in the Arbuckle Area, Including Agricultural and Open Space Lands

2.1.1 Colusa County General Plan for Arbuckle

The Colusa County General Plan 2030 has the following policies and actions regarding Arbuckle.²

Policy CC 2---1:

Support efforts to revitalize the downtown area east of Interstate 5.

Policy CC 2---2:

Encourage the preservation, rehabilitation and creative use of historic structures, including the railroad depot.

Policy CC 2---3:

Encourage the development of boutique shops, including restaurants, local retail establishments, and non---highway tourist---serving uses, mixed---use development, and high density residential development in the downtown area.

Policy CC 2---4:

Promote the development of highway commercial uses adjacent to Interstate 5 at the northern and southern edges of the community.

Policy CC 2---5:

Encourage new development proposals to include a balanced mix of jobs and housing.

Policy CC 2---6:

Require new residential development to connect to municipal water and sewer services.

Policy CC 2---7:

Increase pedestrian and bicycle connectivity between residential areas and the downtown area.

Policy CC 2---8:

Vacant and underdeveloped lands within the Arbuckle Public Utility District Service Area should be developed before additional undeveloped lands are annexed into the PUD's Service Area.

Policy CC 2---9:

Previously approved, yet still undeveloped, residential subdivisions should be developed before significant new residential development is approved.

² Colusa County 2030 General Plan, Pages 4-4 and 4-5, November 2011.

Policy CC 2---10:

Encourage the clustering of homes and businesses to protect open space, trees, creeks and other natural resources.

Policy CC 2---11:

Encourage mixed use development in the downtown area.

Policy CC 2---12:

New residential development should include areas for neighborhood parks and other residential community facilities.

Policy CC 2---13:

Discourage new residential development adjacent to Interstate 5. Where such development already exists, the possibility of further noise insulation through sound Walls or vegetative screening should be explored.

Policy CC 2---14:

Reserve locations for future rail or transit stations to promote public transit connectivity to other communities.

Policy CC 2---15:

Create a gateway to Arbuckle that reflects the characteristics that distinguish the community and directs residents and visitors to the community center.

Action CC 2---A:

When preparing the Bicycle and Pedestrian Plan (Action CIRC 1---I), include opportunities for additional pedestrian and bicycle connectivity between the residential areas located west of Interstate 5 and the downtown area located east of Interstate 5.

Action CC 2---B:

Provide assistance to local organizations, business groups, and community leaders in securing funding and resources to assist with building restoration and community identity and revitalization efforts.

Action CC 2---C:

Support the Chamber of Commerce and other community organizations' efforts to attract and retain businesses and expand employment opportunities in Arbuckle.

2.1.2 SOI Determinations on Present and Planned Land Use for Arbuckle PUD

- 1-1] Arbuckle Public Utility District has water and wastewater services which would allow growth in the area.
- 1-2] Arbuckle has the potential to add commercial and industrial businesses to serve the surrounding agricultural area.
- 1-3] A Sphere of Influence slightly larger than the District Boundary would allow the Arbuckle PUD to annex land if the need arises and in conformance with the Colusa County General Plan.
- 1-4] The development of residential, commercial or industrial land uses in the area which are not connected to the Arbuckle PUD sewer and water systems should be discouraged because individual utilities will ultimately waste valuable agricultural land.
- 1-5] The following Annexation Rules shall apply to the Arbuckle PUD Sphere of influence to protect agricultural land:
 - a. In view of the present limited capacity of the Arbuckle wastewater treatment plant, one of the following polices should be adopted:
 - i. 1) No new annexations to the district will be allowed unless there is proven capacity to serve the annexing property and all likely development on undeveloped property already within the District during the next five years; or
 - ii. 2) If the District after a public hearing with notice to property owners adopts a "First-Come First-Serve" policy with respect to sewer connections, then additional Annexations will be allowed, as long as sewer capacity remains.
 - b. No annexation to the District will be permitted for only one service. Any annexation will be analyzed on the assumption that all services will be used.
 - c. Any annexation that would permit residential development adjacent to active agriculture shall not be approved without an adequate buffer on the annexing land or otherwise to protect the continued agriculture.
 - d. No new annexations of prime agricultural land will be permitted that would convert that land to other land use, unless the Commission finds that there is insufficient undeveloped land for such use already within the District based on the vacant land inventory and projected need.

2.2 Municipal Services—Present and Probable Capacity and Need

2.2.1 Present and Probable Capacity and Need Background

The Arbuckle Public Utility District capacity for water and wastewater collection and treatment service is explained in detail in the Municipal Service Review. The Arbuckle PUD has adequate capacity to serve the present population of the community and the services are provided for low fees when compared with other communities.

2.2.2 SOI Determinations on Present and Probable Capacity and Need for Arbuckle PUD

2-1] The Arbuckle PUD has adequate capacity to serve the needs of the Arbuckle community for sewer and water service now and in the future.

2.3 The Present Capacity of Public Facilities and Adequacy of Public Services Provided by Arbuckle PUD

2.3.1 Adequacy of Services Provided by Arbuckle PUD

The Arbuckle PUD provides adequate water and wastewater collection and treatment services and has additional capacity to provide service for new development. The facilities are described in more detail in the Arbuckle PUD Municipal Service Review.

2.3.2 SOI Determinations on Adequacy of Services Provided by Arbuckle PUD

3-1] The water and sewer service provided by Arbuckle PUD are adequate for the present population and for the additional growth that is expected.

2.4 Social or Economic Communities of Interest

2.4.1 Arbuckle Community Background

Arbuckle has been a separate community since the 1870's and has all of the services that are expected in a rural community center including a fire department, churches, Post Office, banks, stores, gas stations and restaurants.

2.4.2 SOI Determinations on Social or Economic Communities of Interest for Arbuckle PUD

4-1] Arbuckle is clearly both a social and economic community.

4-2] Arbuckle has a history as a separate community.

REFERENCES

Colusa County 2030 General Plan, Pages 4-4 and 4-5, November 2011.

Remy, Michael H., Tina A. Thomas, James G. Moose, Whitman F. Manley, Guide to CEQA, Solano Press Books, Point Arena, CA, February 2007, page 111.

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