

COLUSA LOCAL AGENCY FORMATION COMMISSION

MAXWELL IRRIGATION DISTRICT

SPHERE OF INFLUENCE

Adopted

DECEMBER 3, 2009

Resolution 2009-0014

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1 INTRODUCTION

1.1 LAFCO's Responsibilities

This Municipal Service Review (MSR) and Sphere of Influence (SOI) have been prepared for the Colusa Local Agency Formation Commission (Colusa LAFCO). Local Agency Formation Commissions (LAFCO's) are quasi-legislative local agencies created in 1963 to assist the State in encouraging the orderly development and formation of local agencies. This MSR and SOI consists of a review of irrigation water services as provided by the Maxwell Irrigation District.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.) is the statutory authority for the preparation of an MSR, and periodic updates of the Sphere of Influence of each local agency.

The Governor's Office of Planning and Research has issued Guidelines for the preparation of an MSR. This MSR adheres to the procedures set forth in the MSR Guidelines.

A Sphere of Influence is a plan for the probable physical boundaries and service area of a local agency, as determined by the affected Local Agency Formation Commission (Government Code §56076). Government Code §56425(f) requires that each Sphere of Influence be updated not less than every five years as necessary, and §56430 provides that a Municipal Service Review shall be conducted in advance of the Sphere of Influence update.

1.2 Sphere of Influence Requirements

In determining the Sphere of Influence for each local agency, LAFCO must consider and prepare a written 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; and
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.

1.3 LAFCO Policies and Procedures Related to Spheres of Influence

The Colusa LAFCO initially adopted policies and procedures related to Spheres of Influence on February 5, 2004. The Commission adopted Resolution 2008-02 on February 7th, 2008, which amended, updated and (or) reaffirmed guidelines for conducting MSRs, and revised its Policies, Standards and Procedures on May 7, 2009.

1.4 Description of Public Participation Process

Colusa LAFCO is authorized by the California Legislature and delegated powers as stated in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act). LAFCO proceedings are subject to the provisions California's open meeting law, the Ralph M. Brown Act (Government Code Sections 54950 et seq.)

The Brown Act requires advance posting of meeting agendas and contains various other provisions designed to ensure that the public has adequate access to information regarding the proceedings of public boards and commissions. Colusa LAFCO complies with the requirements of the Brown Act.

SOI policies have been adopted by the Colusa LAFCO. Colusa LAFCO has discussed and considered the SOI process in open session, and has adopted a schedule for completing the various municipal service reviews and sphere of influence updates for Colusa County. Each Sphere of Influence will be prepared as a draft, and will be subject to public and agency comment prior to final consideration by the Colusa LAFCO.

1.5 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 of Influence for a city or special district that is the same as its existing boundaries. (This is the recommendation for the Maxwell Irrigation District)

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.

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 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.

1.6 SOI Update Process

LAFCO is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCO must update those SOIs every five years, as necessary. In updating the SOI, LAFCO is required to conduct a Municipal Service Review (MSR) and adopt related determinations.

This report identifies SOI determinations and recommends a SOI for the Maxwell Irrigation District.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the SOI and may not update the SOI until that hearing is closed. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendment and update under consideration at least five days before the public hearing.

1.7 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 likely exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, zero SOIs and coterminous SOI's. 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 is to keep the Sphere of Influence for the Maxwell Irrigation District the same as the District Boundary, there will be no environmental impacts from the adoption of the Sphere and no environmental document is required.

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 FOR MAXWELL IRRIGATION DISTRICT*

Information contained in this Sphere of Influence and the Municipal Service Review prepared for the Maxwell Irrigation District is only current as of the date of adoption. LAFCO Policy 3.3 (d) calls for an updated Municipal Service Review at the time a proposal is made. Policy 2.18 essentially requires an updated Municipal Services Review anytime a change of organization is proposed provided significant changes in the Municipal Service Review baseline occur.

The Sphere of Influence for the Maxwell Irrigation District in Colusa County will be the same as the District Boundary and will be a coterminous Sphere of Influence.

2.1 Land Use

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

The 1989 Colusa County General Plan states the following:

“The Colusa County General Plan provides the basis for decisions regarding growth and land development. It is the County's official statement of public policy for the use of private and public land.

“The Plan provides a framework for encouraging economic development while managing growth, conserving agricultural lands, protecting the environment, and preserving the qualities that make Colusa County unique.

“It reflects the aspirations and values of Colusa County residents regarding the future character and form of their communities.”²

The land use in the area is agricultural. The General Plan and the zoning of Colusa County support the agricultural use of this land. There is no conflict with the Maxwell Irrigation District and the Colusa County General Plan and Zoning.

2.1.2 SOI Determinations Present and Planned Land Use for Maxwell Irrigation District

- 1-1] The Sphere of Influence for the Maxwell Irrigation District will be a coterminous Sphere and remain the same as the existing district boundary and will not affect land uses within its territory.
- 1-2] There are no conflicts with the Maxwell Irrigation District and existing or proposed land uses in the area because the Colusa County General Plan designates the area for agricultural land use.
- 1-3] The Maxwell Irrigation District has water to serve the land within the present boundary and has limited capacity to expand.
- 1-4] The only logical area for expansion of the Maxwell Irrigation District is the territory between the existing district boundary and the Colusa Basin Drainage Canal and territory southeast of the district.

²<http://library.ceres.ca.gov/docs/data/1900/1951/HYPEROCR/hyperocr.html>

2.2. Municipal Services: Present Need

2.2.1 Service Need for Maxwell Irrigation District

There is a need for the Maxwell Irrigation District. Without the District the landowners would have no way to obtain water from the Sacramento River. The District acquired water rights from individuals that pre-date Shasta Dam.

2.2.2 SOI Determinations for Facilities and Services Probable Need for Maxwell Irrigation District

2-1] The Maxwell Irrigation District has adequate water supplies and facilities to provide irrigation water to the landowners as it is available from the USBR for the foreseeable future.

2.3 Public Facilities Future Capacity

2.3.1 Facilities and Capacity

The Maxwell Irrigation District has maintained the facilities and upgraded them as necessary to maintain the capacity of the District. The fish screen at the diversion point on the Sacramento River is an example of this.

2.3.2 SOI Determinations for Public Facilities Present and Future Capacity for Maxwell Irrigation District

3-1] The District promotes water conservation and the use of technology to prevent waste as required by the US Bureau of Reclamation.

2.4 Social or Economic Communities of Interest

The Maxwell Irrigation District does not serve a community in the traditional sense of the word because there are no residents within the District. There is, however, an economic community of landowners who formed the District and who benefit from the agricultural water services provided.

Although the landowners are part of a larger community of agricultural landowners in Colusa County it would not be feasible or economical to combine this Irrigation District with other Water Districts in the County because each district has different enabling acts, different contracts with the Bureau of Reclamation, and different means of financing their water conveyance infrastructure.³

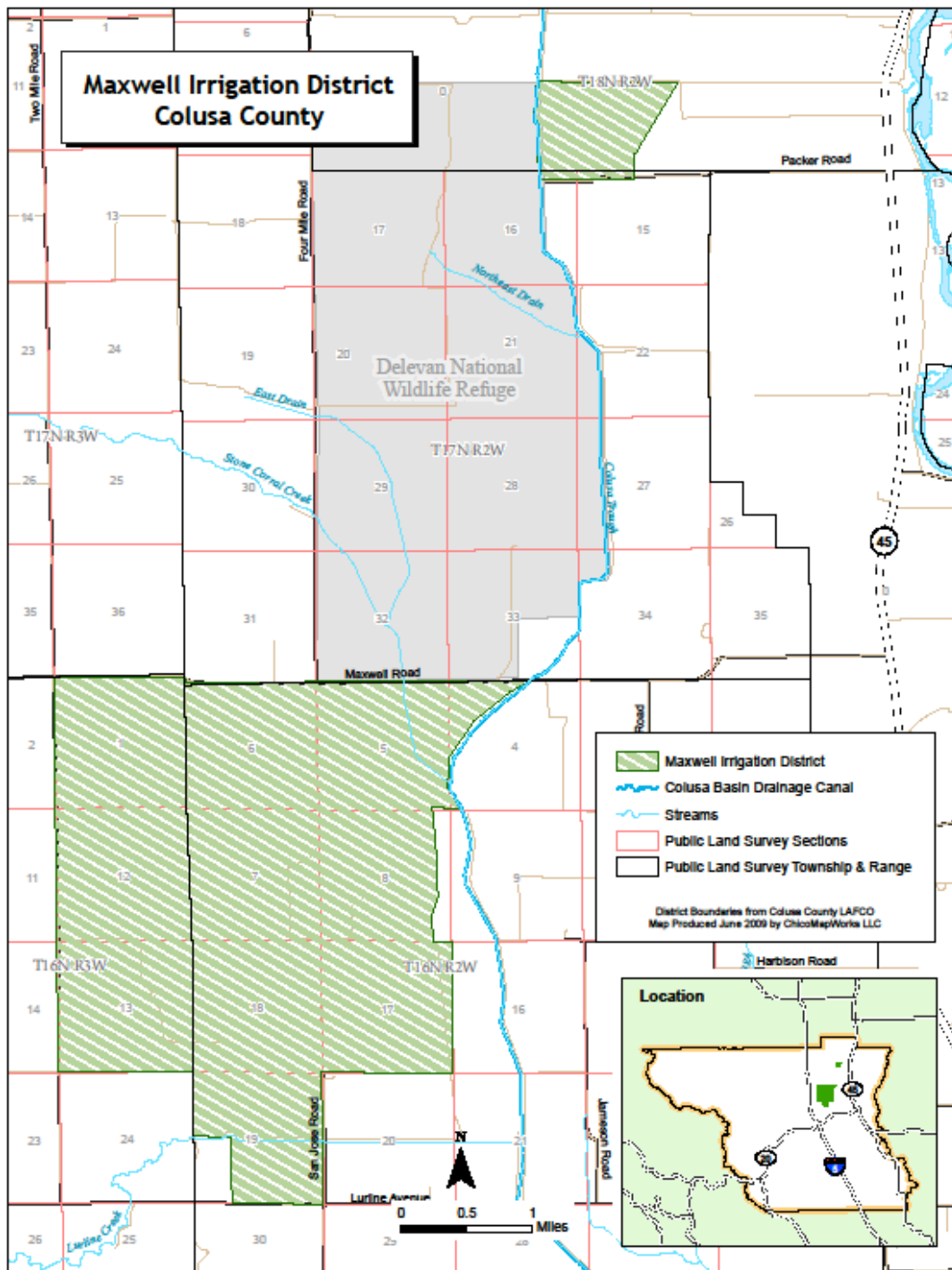
2.4.1 Maxwell Irrigation District

2.4.2 SOI Determinations for Social or Economic Communities of Interest for Maxwell Irrigation District

2-1] The landowners for the Maxwell Irrigation District live within the surrounding communities.

³ Tehama-Colusa Canal Authority, J. Mark Atlas, Attorney, 134 West Sycamore Street, Willows, CA 95988, 530-934-5416, jma@jmatlaslaw.com, E-Mail: January 9, 2009.
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Maps:



Maxwell Sphere of Influence and District Boundary are Cotermious

