



VENTURA LOCAL AGENCY FORMATION COMMISSION  
**STAFF REPORT**

Meeting Date: February 21, 2018

**TO:** LAFCo Commissioners

**FROM:** Andrea Ozdy, Analyst *Andrea Ozdy*

**SUBJECT:** Sphere of Influence Review and Update:  
 LAFCo 18-01S City of Fillmore

**Recommendations:**

- A. Determine that the sphere of influence update for the City of Fillmore (City) 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 City pursuant to Government Code § 56425(g).
- C. Adopt Resolution LAFCo 18-01S (Attachment 3) making determinations and updating the sphere of influence for the City.

**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 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 MSR reports in 2007 and 2012 for the City of Fillmore. The most recent MSR report for the City was accepted by the Commission on November 14, 2012, entitled *Municipal Service Reviews – Nine Ventura County Cities* for the cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks.

COMMISSIONERS AND STAFF

<p><b>COUNTY:</b>                  Linda Parks, Chair                  John Zaragoza  <i>Alternate:</i>                  Steve Bennett</p>	<p><b>CITY:</b>                  Janice Parvin                  Carmen Ramirez  <i>Alternate:</i>                  Claudia Bill-de la Peña</p>	<p><b>DISTRICT:</b>                  Elaine Freeman                  Mary Anne Rooney  <i>Alternate:</i>                  Andy Waters</p>	<p><b>PUBLIC:</b>                  David J. Ross, Vice Chair   <i>Alternate:</i>                  Pat Richards</p>
<p><b>Executive Officer</b>                  Kai Luoma, AICP</p>	<p><b>Analyst</b>                  Andrea Ozdy</p>	<p><b>Office Manager/Clerk</b>                  Richelle Beltran</p>	<p><b>Legal Counsel</b>                  Michael Walker</p>

The following represents a summary of sphere of influence review/update actions taken by LAFCo with regard to the City of Fillmore:

- On July 18, 2007, the Commission updated the City's sphere of influence (in conjunction with LAFCo's March 21, 2007, MSR prepared for the City);
- On January 16, 2013, the Commission reviewed, but did not update, the City's sphere of influence (in conjunction with LAFCo's November 14, 2012, MSR prepared for the City); and
- On October 16, 2013, the Commission reviewed, but did not update, the City's sphere of influence.

### **Discussion:**

Based on the work plan established by the Commission, review/update of the cities' spheres of influence was to be initiated during 2017. In August 2017, LAFCo staff consulted with the City manager to discuss the sphere of influence, and to determine: (1) if the City 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 City staff anticipates any service changes that would warrant adjustment of the sphere boundaries.

### *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." The following discussion provides a summary of Commission actions regarding sphere of influence reviews/updates pertaining to the City, and explains why an update to the City's sphere is now appropriate.

On July 18, 2007 (in conjunction with LAFCo's March 21, 2007, MSR prepared for the City), LAFCo updated the City's sphere of influence. The sphere update resulted in the following:

- A reduction of the sphere to exclude territory on all sides of the City: (1) to better align with existing property lines, (2) to remove properties located within Sespe Creek and owned by the Ventura County Watershed Protection District; (3) to coincide with the existing City boundary and City Urban Restriction Boundary (CURB)<sup>1</sup>; and (4) to remove territory within the Fillmore-Piru Greenbelt<sup>2</sup>;

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<sup>1</sup> Subject to the City's Save Open Space and Agricultural Resources (SOAR) ordinance, the CURB establishes a boundary within which voter approval is generally required prior to the extension of City services or a change in general plan designation.

<sup>2</sup> Greenbelts within Ventura County serve the purpose of preserving agriculture and/or open space, providing separation between cities, and/or limiting the extension of urban services.

- The correction of minor mapping errors; and
- An overall reduction of the sphere area.

On January 16, 2013 (in conjunction with LAFCo's November 14, 2012, MSR prepared for the City), LAFCo reviewed the City's sphere of influence. The Commission determined that it would review the City's sphere again after six months, in order to provide the City additional time to address fiscal issues concerning the City. As a result, the sphere remained unchanged.

On October 16, 2013 (pursuant to its action on January 16, 2013), the Commission again reviewed the City's sphere, and determined that no changes to the sphere were necessary, based upon the following:

- The existing sphere of influence reflected the City's current service area;
- The City's General Plan did not include planned development outside the existing City sphere;
- The most recent MSR report did not identify a need to reduce the territory within the City's sphere; and
- The City's financial status improved significantly.

At this time, staff recommends that the Commission update the City's sphere, resulting in a reduction of the sphere through the exclusion of a 0.46-acre property located immediately south of the City at the intersection of A Street and Gasway Drive (Assessor's Parcel Number 041-0-290-01). Removal of the parcel from the sphere is appropriate because the City's General Plan land use map does not include a land use designation for the property and the City has no plans for annexation of the property into the City. The existing sphere of influence boundary otherwise continues to reflect the City's current and probable service area, is consistent with the City's General Plan land use map, and is justified based on the MSR report<sup>3</sup> which demonstrates that the City has the ability to provide urban services at acceptable levels.

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

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<sup>3</sup> The MSR report is included as Agenda Item 9 for Commission consideration at the Commission's February 21, 2018, meeting. The staff recommendation regarding the sphere of influence is based, in part, on the information provided in the draft MSR report.

The 0.46-acre property to be removed from the City sphere has a County General Plan designation of *Open Space – Urban Reserve*<sup>4</sup> and has no City General Plan land use designation. Additionally, the property, which contains residential development, is located outside the City’s CURB and is subject to the City’s SOAR ordinance. Based on the territory’s County General Plan designation, absence of a City General Plan designation, and subjection to SOAR, 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 City does not provide urban services to the land area recommended for removal from the sphere as part of the recommended sphere update. The property is not expected to require the provision of City services, and is anticipated to remain in its current residential land use for the foreseeable future, based on its County General Plan designation, absence of a City General Plan designation, and subjection to the City’s SOAR ordinance. Therefore, there appears to be no need for municipal services from the City 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 City’s sphere of influence. Therefore, it would not result in new demands on the City that would adversely impact the present capacity of public facilities and adequacy of public services that the City 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 City’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)]

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<sup>4</sup> The *Urban Reserve* overlay designation is applied to unincorporated land within the adopted sphere of influence of a city. If the Commission updates the City of Fillmore’s sphere to exclude the area as proposed, the County General Plan designation will need to be amended to remove the *Urban Reserve* overlay designation for this area.

The City'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 (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 Guidelines § 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 City'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.

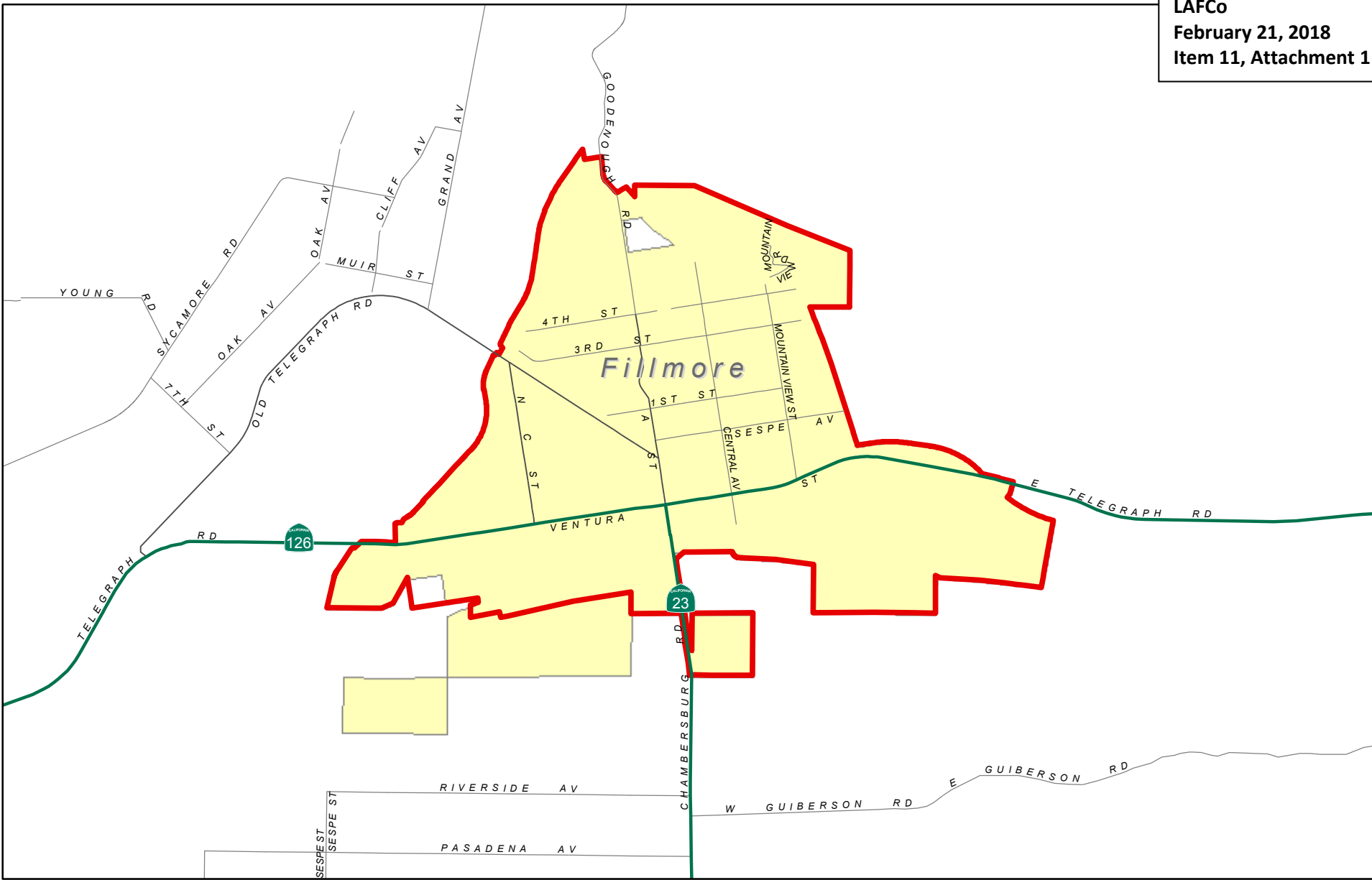
#### *Notice of Public Hearing*

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 City of Fillmore
2. Recommended Sphere of Influence Update Map for the Fillmore
3. LAFCo 18-01S 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.



**Legend**

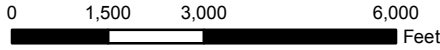
-  Fillmore Sphere of Influence  
1932.35 acres
-  Fillmore City Boundary  
2111.06 acres

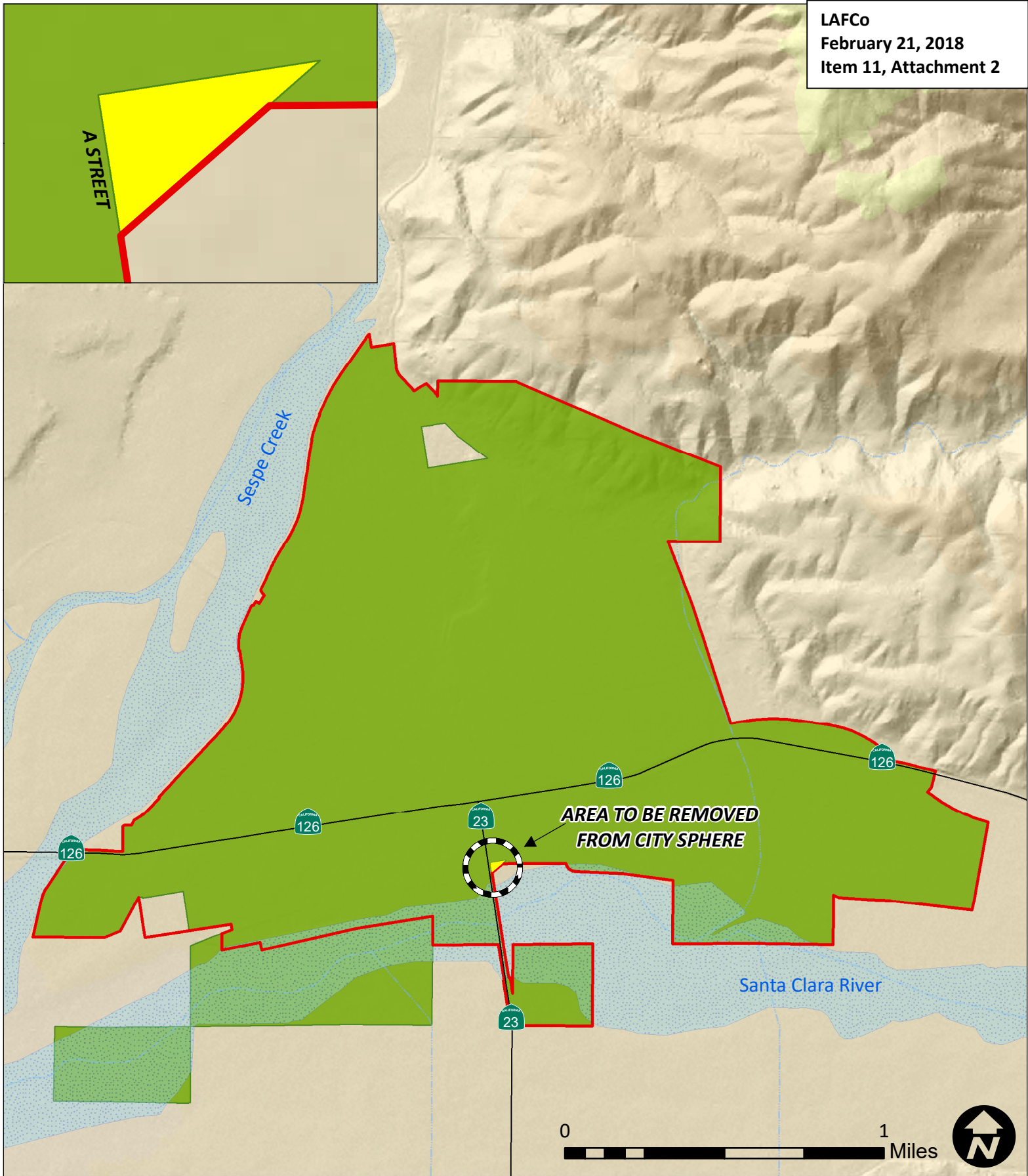
**City of Fillmore**  
 Sphere of Influence as Reviewed by  
 The Ventura LAFCo on January 16, 2013




Prepared by the County of Ventura - Information Technology Services Department  
 Geographic Information Services Division

State Plane Coordinate System California Zone V - NAD 27  
 This map was compiled from records and computations

Published: February, 2013





-  Area to be Removed from City Sphere
-  City of Fillmore - City Boundary
-  City of Fillmore - Sphere of Influence Boundary



**LAFCO 18-01S**

**RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION  
COMMISSION MAKING DETERMINATIONS AND UPDATING THE  
SPHERE OF INFLUENCE FOR THE CITY OF FILLMORE**

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 LAFCo, as necessary, review and update the adopted sphere of influence boundaries on or before January 1, 2008, and every five years thereafter; and

WHEREAS, the Commission updated the sphere of influence for the City of Fillmore (City) in 2007 and reviewed the sphere in 2013; and

WHEREAS, the Commission desires to update the sphere of influence for the City; and

WHEREAS, no change in regulation, land use, or development will occur as a result of updating the sphere of influence for the City; 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 21, 2018, 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 21, 2018, and recommendations; and

WHEREAS, the Commission accepted the Municipal Service Review report for the City of Fillmore dated February 21, 2018.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Commission as follows:

- (1) The LAFCo Staff Report dated February 21, 2018, and recommended update of the sphere of influence for the City are adopted; and



(2) The subject sphere of influence update is assigned the following distinctive short form designation:

**LAFCO 18-01S CITY OF FILLMORE SPHERE OF INFLUENCE UPDATE;** and

(3) The sphere of influence update for the City 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 0.46-acre property to be removed from the City sphere has a County General Plan designation of *Open Space – Urban Reserve*<sup>1</sup> and has no City General Plan land use designation. Additionally, the property, which contains residential development, is located outside the City’s CURB<sup>2</sup> and is subject to the City’s SOAR ordinance. Based on the territory’s County General Plan designation, absence of a City General Plan designation, and subjection to SOAR, 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 City does not provide urban services to the land area recommended for removal from the sphere as part of the recommended sphere update. The property is not expected to require the provision of City services, and is

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<sup>2</sup> Subject to the City’s Save Open Space and Agricultural Resources (SOAR) ordinance, the CURB establishes a boundary within which voter approval is generally required prior to the extension of City services or a change in general plan designation.

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**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 City's sphere of influence. Therefore, it would not result in new demands on the City that would adversely impact the present capacity of public facilities and adequacy of public services that the City 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 City'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 City'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 (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 City is hereby updated as generally depicted in Exhibit A, “City of Fillmore – Recommended Sphere of Influence Update, February 21, 2018,” 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 City of Fillmore updated consistent with this action.

This resolution was adopted on February 21, 2018.

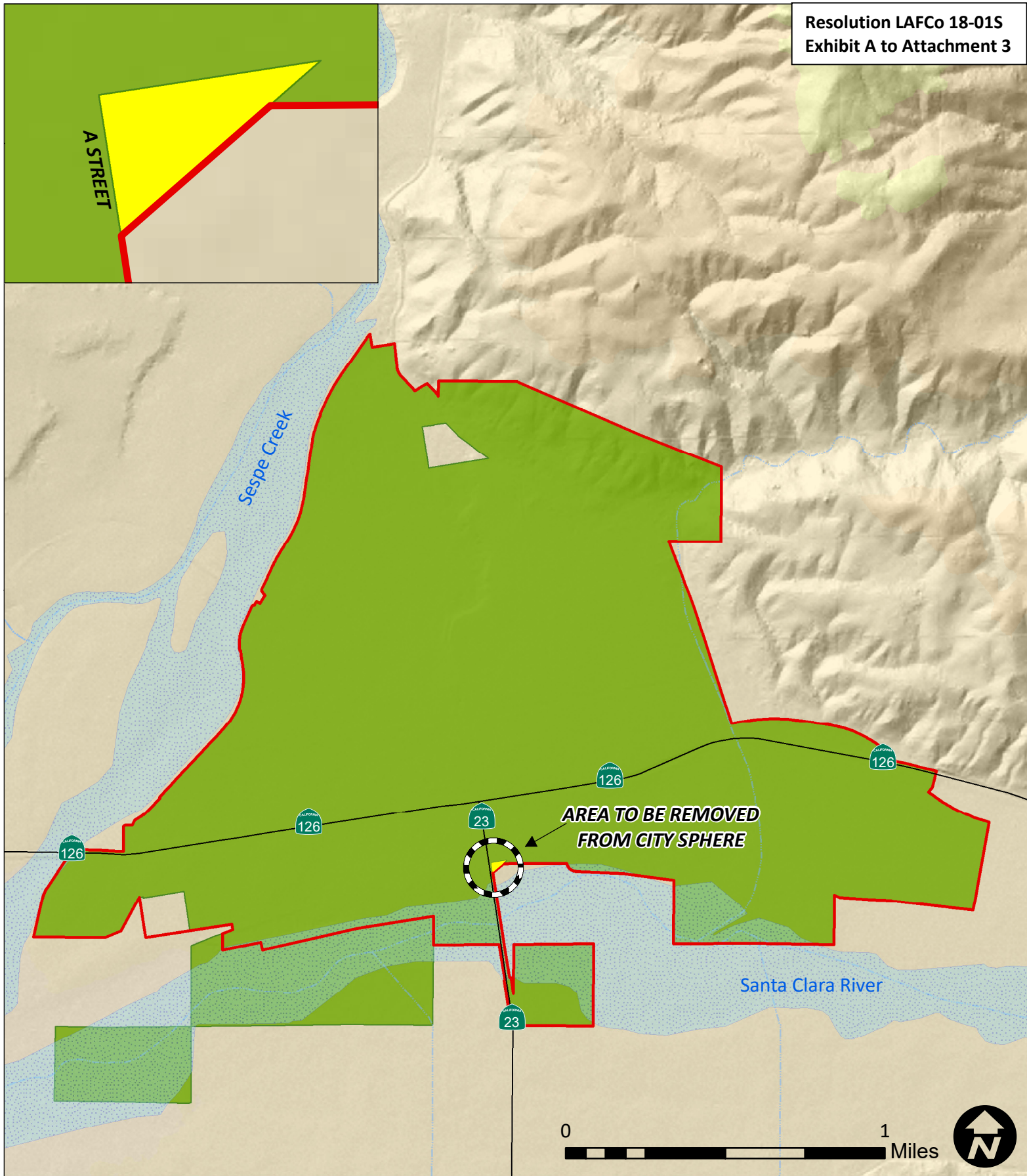
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Commissioner Freeman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Commissioner Rooney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Commissioner Zaragoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bennett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Bill-de la Peña	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Richards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Waters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>




2/21/2018  
Date

Linda Parks  
Linda Parks, Chair, Ventura Local Agency Formation Commission

Attachment: Exhibit A

c: City of Fillmore  
Ventura County Information Technology Services Department



-  Area to be Removed from City Sphere
-  City of Fillmore - City Boundary
-  City of Fillmore - Sphere of Influence Boundary

City of Fillmore  
LAFCo 18-01S  
City of Fillmore Sphere of Influence Update  
February 21, 2018  
Exhibit A

