



VENTURA LOCAL AGENCY FORMATION COMMISSION
STAFF REPORT

Meeting Date: May 18, 2022

TO: LAFCo Commissioners

FROM: Andrea Ozdy, Deputy Executive Officer *Andrea Ozdy*

SUBJECT: Sphere of Influence Review:
 LAFCo 22-19S Ventura County Waterworks District No. 38

Recommendations:

- A. Determine that the action to review the sphere of influence for Ventura County Waterworks District No. 38 (VCWD 38 or District) is exempt from the California Environmental Quality Act (CEQA) pursuant to § 15061(b)(3) of the CEQA Guidelines.
- B. Adopt Resolution LAFCo 22-19S (Attachment 2) making determinations and reviewing the sphere of influence for VCWD 38 pursuant to Government Code § 56425(g), including that a sphere of influence update is not necessary.

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 (or “sphere”) 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)).

In compliance with Government Code § 56426.5(b),¹ on May 18, 2016, the Commission accepted a Municipal Service Review (MSR) report for the District, entitled *Ventura County Waterworks District No. 38 – Municipal Service Review*, as part of the determination of a sphere of influence for the District following its formation in 2015. This is the first review of the District’s sphere since the sphere was adopted by the Commission.

¹ Government Code § 56426.5(b) provides, in relevant part, “The commission shall determine the sphere of influence for any newly formed district within one year of the effective date of formation.”

COMMISSIONERS AND STAFF

COUNTY	CITY	DISTRICT	PUBLIC
Linda Parks	Claudia Bill-de la Peña	Elaine Freeman	Pat Richards, Vice-Chair
Carmen Ramirez, Chair	Janice Parvin	Mary Anne Rooney	
<i>Alternate</i>	<i>Alternate</i>	<i>Alternate</i>	<i>Alternate</i>
Matt LaVere	John C. Zaragoza	John R. (Jack) Curtis	David J. Ross
Executive Officer	Deputy Executive Officer	Office Manager/Clerk	Legal Counsel
Kai Luoma	Andrea Ozdy	Richelle Beltran	Alberto Boada

Discussion:

District Information

VCWD 38 is a dependent special district formed in 2015 that, through the Water and Sanitation Department of the Ventura County Public Works Agency, provides potable water service within and surrounding the unincorporated area of Lake Sherwood. VCWD 38's sphere of influence covers approximately 2,048.5 acres (about 3.2 square miles), and its jurisdictional boundary is coterminous with its sphere of influence boundary (Attachment 1). The Ventura County Board of Supervisors is the governing body of the District.

Current Sphere of Influence Review

LAFCo staff consulted with the District's general manager (i.e., the Director of the Water and Sanitation Department of the Ventura County Public Works Agency) to discuss the District's sphere of influence, and to determine: (1) if the District 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 District staff anticipates any service changes that would warrant adjustment of the sphere boundaries. The existing sphere of influence boundary continues to reflect the District's current and probable service area, and is justified based on the MSR report provided for the Commission's consideration as part of Agenda Item 13 of the May 18, 2022, meeting. The MSR demonstrates that the District has the ability to provide services at acceptable levels. Therefore, no changes to the sphere of influence for the District are recommended.

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))

The District's sphere of influence consists primarily of the unincorporated community of Lake Sherwood, and includes surrounding properties to the north, all within the unincorporated County area. Based on the land use designations and characteristics of land within the District's sphere of influence, land uses within the District's sphere are expected to remain unchanged.

- (2) *The present and probable need for public facilities and services in the area.* (§ 56425(e)(2))

The District's sphere of influence consists primarily of the unincorporated community of Lake Sherwood, and includes surrounding properties to the north, all within the

unincorporated County area. The existing need for District services will remain, and is not anticipated to change significantly.

- (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 District's sphere of influence consists primarily of the unincorporated community of Lake Sherwood, and includes surrounding properties to the north, all within the unincorporated County area. There are no expected new demands on the District that would adversely impact the present capacity of public facilities and adequacy of public services that the District provides or is authorized to provide. Based on the evaluation contained in the MSR prepared by LAFCo on May 18, 2022, the District has the ability to continue to provide municipal services within its service area and sphere of influence.

- (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))*

A disadvantaged unincorporated community is defined as a community with an annual median household income that is less than 80 percent of the statewide annual median household income (Government Code § 56033.5). No disadvantaged unincorporated communities are located within or contiguous to the District's sphere of influence.

- (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))*

The review of the District's sphere of influence is not considered an update (i.e., a modification) to the sphere. Additionally, no disadvantaged unincorporated communities are located within the District's sphere of influence.

California Environmental Quality Act (CEQA)

A project is defined in CEQA § 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.” Staff recommends that the Commission find that the review of the District’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 review. The draft resolution contains a finding that the proposed action is exempt from CEQA.

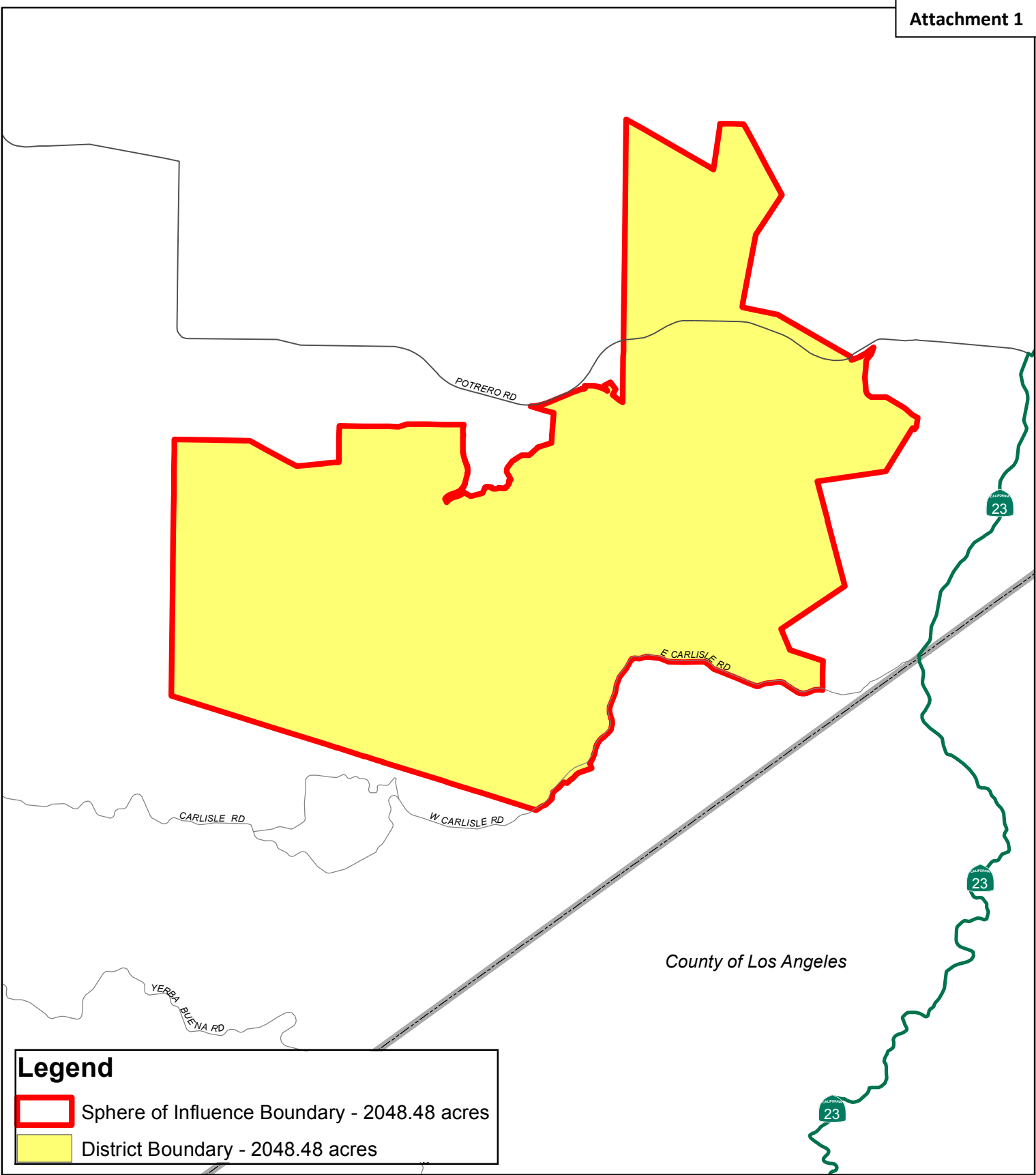
Notice of Public Hearing

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 VCWD 38
2. LAFCo 22-19S 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.



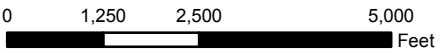
Legend

-  Sphere of Influence Boundary - 2048.48 acres
-  District Boundary - 2048.48 acres

Ventura County Waterworks District No. 38

Current as of May 18, 2016

Prepared by County of Ventura - IT Services Department - GIS Services
 State Plane Coordinate System California Zone V - NAD 27
 This map was compiled from records and computations



LAFCO 22-19S

RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND REVIEWING THE SPHERE OF INFLUENCE FOR VENTURA COUNTY WATERWORKS DISTRICT NO. 38

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 on or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update the sphere of influence of each city and special district; and

WHEREAS, the Commission established (i.e., determined) the sphere of influence for Ventura County Waterworks District No. 38 (VCWD 38 or District) in 2016;

WHEREAS, the Commission desires to review the sphere of influence for the District; and

WHEREAS, no change in regulation, land use, or development will occur as a result of reviewing the sphere of influence for the District; 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 review item was duly considered at a public hearing on May 18, 2022, 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 review including, but not limited to, the LAFCo Staff Report dated May 18, 2022, and recommendations; and

WHEREAS, the Commission accepted the Municipal Service Review report for the District dated May 18, 2022.

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

- (1) The LAFCo Staff Report dated May 18, 2022, and recommended review of the sphere of influence for the District are adopted; and
- (2) The subject sphere of influence review is assigned the following distinctive short form designation:
LAFCO 22-19S VENTURA COUNTY WATERWORKS DISTRICT NO. 38 SPHERE OF INFLUENCE REVIEW; and
- (3) An update (modification) to the sphere of influence for the District is not necessary; and
- (4) The sphere of influence review for the District 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
- (5) 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 District's sphere of influence consists primarily of the unincorporated community of Lake Sherwood, and includes surrounding properties to the north, all within the unincorporated County area. Based on the land use designations and characteristics of land within the District's sphere of influence, land uses within the District's sphere are expected to remain unchanged.

b. *The present and probable need for public facilities and services in the area. (§ 56425(e)(2))*

The District's sphere of influence consists primarily of the unincorporated community of Lake Sherwood, and includes surrounding properties to the north, all within the unincorporated County area. The existing need for District services will remain, and is not anticipated to change significantly.

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 District's sphere of influence consists primarily of the unincorporated community of Lake Sherwood, and includes surrounding properties to the north, all within the unincorporated County area. There are no expected new demands on the District that would adversely impact the present capacity of public facilities and adequacy of public services that the District provides or is authorized to provide. Based on the evaluation contained in the MSR prepared by LAFCo on May 18, 2022, the District has the ability to continue to provide municipal services within its service area and sphere of influence.

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))*

A disadvantaged unincorporated community is defined as a community with an annual median household income that is less than 80 percent of the statewide annual median household income (Government Code § 56033.5). No disadvantaged unincorporated communities are located within or contiguous to the District's sphere of influence.

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 review of the District's sphere of influence is not considered an update (i.e., a modification) to the sphere. Additionally, no disadvantaged unincorporated communities are located within the District's sphere of influence.

- (6) The sphere of influence for the District is hereby reviewed and is generally depicted in Exhibit A, "Ventura County Waterworks District No. 38," attached hereto; and

- (7) 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 District updated consistent with this action.

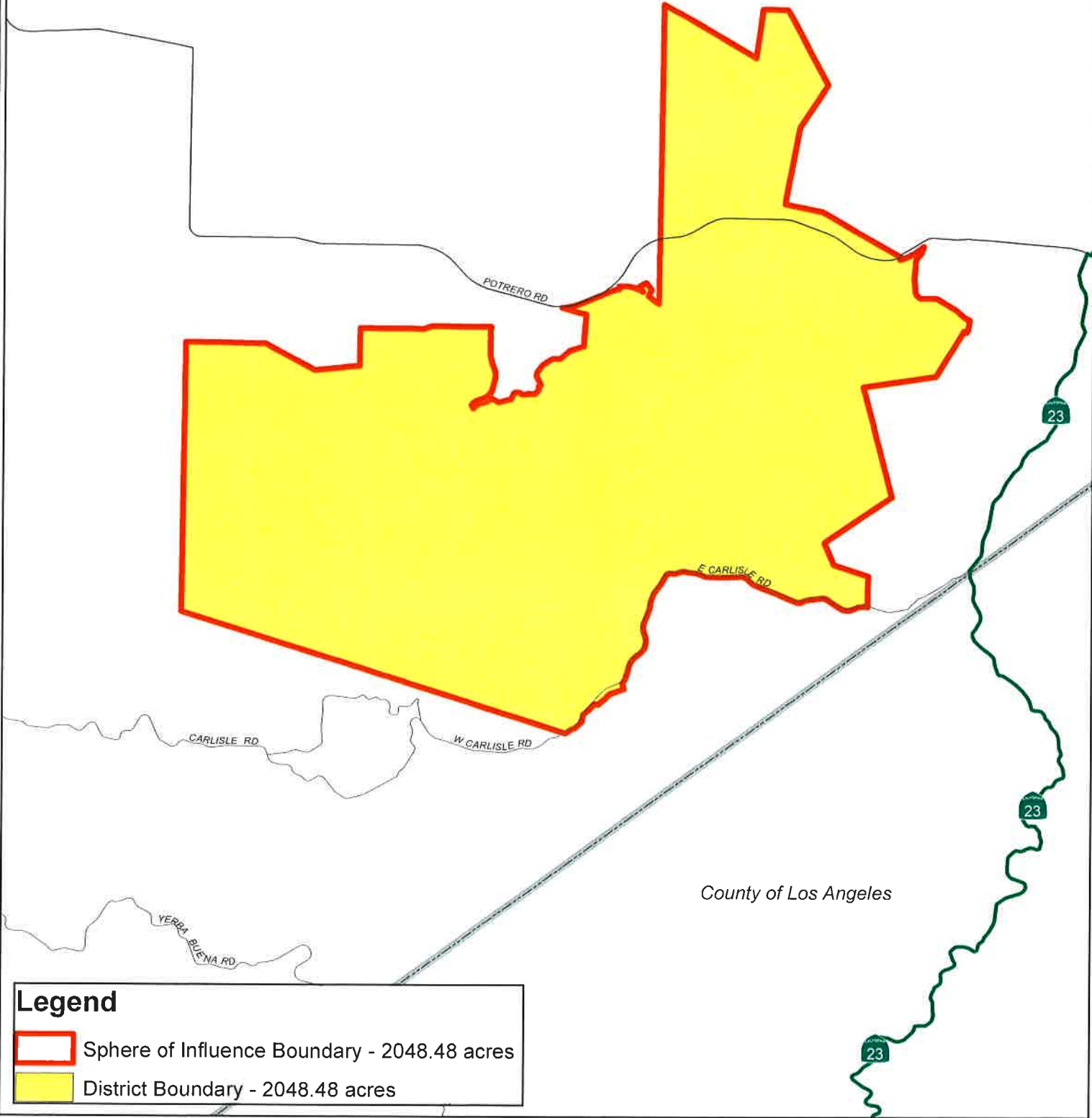
This resolution was adopted on May 18, 2022.

	AYE	NO	ABSTAIN	ABSENT
Commissioner Bill-de la Peña	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Freeman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commissioner Parks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Parvin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ramirez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Rooney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Curtis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner LaVere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Ross	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Zaragoza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



May 18, 2022 Carmen Ramirez
Date Chair, Ventura Local Agency Formation Commission

Attachment: Exhibit A

c: Ventura County Waterworks District No. 38
Ventura County Information Technology Services Department



Legend

-  Sphere of Influence Boundary - 2048.48 acres
-  District Boundary - 2048.48 acres

Ventura County Waterworks District No. 38

Current as of May 18, 2016

Prepared by County of Ventura - IT Services Department - GIS Services

State Plane Coordinate System California Zone V - NAD 27

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