

SPALDING
COMMUNITY SERVICES DISTRICT
SPHERE OF INFLUENCE UPDATE



Adopted

December 12, 2011

LASSEN LAFCO

Resolution 2011-0009

Spalding Sphere of Influence
Adopted December 12, 2011
LAFCo Resolution 2011-0009

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Resolution No. 2011-0009

LASSEN LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving a Sphere of Influence Update for the Spalding Community Services District (CSD)

WHEREAS, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a Sphere of Influence for each local governmental agency within its jurisdiction; and

WHEREAS, the Lassen Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a "plan for the probable physical boundaries and service area" for the following services provided by the Spalding CSD: wastewater collection and treatment services, fire protection and emergency medical services, the provision of mailboxes and recreation services through the operation of the marina and community hall; and

WHEREAS, the Commission has set the hearing date of December 12, 2011 for the update for services provided by the Spalding CSD and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56427, et seq.; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of services provided by the Spalding CSD and adopted Resolution 2011-0001 on March 14, 2011 in accordance with Gov. Code section 56430; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence update report and the proposed Sphere of Influence Update Map which are attached hereto and incorporated herein; and

WHEREAS, Lassen LAFCO has prepared and published a Notice of Exemption pursuant to the requirements of the California Environmental Quality Act since the Sphere of Influence Update will not contain additional territory (Section 21000 et seq. of the Public Resources Code); and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed Sphere of Influence Update, including, but not limited to, those factors specified in Government Code Section 56425, et seq., and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Lassen Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed Sphere of Influence update with respect to services provided by the Spalding CSD (wastewater collection and treatment services, fire protection and emergency medical services, the provision of mailboxes and recreation services through the operation of the marina and community hall) complies with the provisions of Government Code Section 56000, et seq.
2. That no significant objections have been received regarding the establishment of this Sphere of Influence Update.

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3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Update Report are attached hereto and incorporated herein as set forth in Attachment "A".
4. That the Sphere of Influence for the Spalding CSD shall be a coterminous sphere which signals the current district boundaries and sphere of influence shall be the same.
4. The Commission has reviewed and considered a Notice of Exemption prepared for this Sphere of Influence Update and makes a specific finding that there is no substantial evidence in light of the whole record before Lassen Local Agency Formation Commission that this Sphere of Influence Update for services provided by the Spalding CSD may have a significant adverse effect on the environment.

PASSED AND ADOPTED at a regular meeting of the Lassen Local Agency Formation Commission, State of California, on the 12th day of December 2011, by the following vote:

AYES: Chapman, Franco, McDonald, Hanson and Eid

NOES:


ABSENT:

ABSTAIN:



Todd Eid, Chair or Joe Franco, Vice-Chair
Lassen Local Agency Formation Commission

Attest:


John Benoit, Executive Officer
Lassen LAFCO

1 INTRODUCTION

This Sphere of Influence is prepared for the Spalding CSD in Lassen County providing the following services:¹

- Fire Suppression and Emergency Medical Response
- Recreation services including Marina Development and Operation
- Wastewater System Development and Operation
- Maintain, construct and operate mailboxes for the Community

The Municipal Service Review (MSR) analyzed the services offered by the Spalding Community Services District and the District's capability to serve existing and future residents in the area. Information contained in this Sphere of Influence is only as of the date of adoption

1.1 LAFCO's Responsibilities

Local Agency Formation Commissions are quasi-legislative local agencies created in 1963 to assist the State in encouraging the orderly development and formation of local agencies. 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.

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, 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 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 Spalding CSD, <http://spaldingcsd.org/>, September 23, 2011
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1.3 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 Lake 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:
A Coterminous Sphere is a sphere for a city or special district that is the same as its existing boundaries. **This is the recommendation for the Spalding CSD.**
- 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.

1.4 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. In updating the SOI, LAFCO is required to conduct a municipal service review (MSR) and adopt related determinations.

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

1.5 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, 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.²

² 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 SPALDING CSD

Current information regarding the Spalding CSD can be found on the District website: www.spaldingcsd.org. The following history of the District is included as background.

The Eagle Lake Community Services District was formed by Lassen LAFCO on June 11, 1985 and included both the Stones-Bengard area and the Spalding Tract. The Sphere of Influence for the Eagle Lake CSD was adopted by Lassen LAFCO on November 16, 1989.

The Stones-Bengard Reorganization was approved by Lassen LAFCO on January 10, 1990. The Spalding CSD is thus the successor district to the original Eagle Lake CSD. In 1991 the Spalding Tract was declared an "On-site Wastewater Zone" within the Eagle Lake Community Services District to allow the District to monitor and regulate the existing wastewater disposal systems.

The name of the District was changed to the Spalding Community Services District on September 1, 1992. On July 20, 2000, Lassen LAFCO approved an annexation to the Spalding CSD by Resolution 2000-02 for land to be used for wastewater treatment facilities and land at the Spalding Airport.

On January 3, 2006, the Spalding CSD requested to be excluded from a proposed Lassen County Recreation District since the District does provide some recreational services such as the Community Hall and Marina and believed there was no need to be a part of the larger district. The proposed Lassen County Recreation District was never formed

In 2007, there were 196 registered voters residing within the Spalding CSD.

The CSD provides structural fire protection, emergency medical services (EMS) and fire prevention programs. In 2010 the Department responded to 40 calls including 32 medical calls, 4 fire calls, 4 public assists and 2 electrical/hazard calls. The Fire Department has launched a new fund raising drive to purchase a four wheel drive ambulance because the majority of the calls are medical in nature.³

In 1989, the Lahontan Regional Water quality Control Board (RWQCB) amended the Water Quality Control Plan (Basin Plan) for the North Lahontan Basin, Eagle Lake Hydrologic Area. The amendments included a prohibition against the discharge of nutrients to any surface water or groundwater in the Eagle Lake Basin from conventional septic systems such as those used by the residents of Spalding.

The Spalding CSD determined to develop and maintain a wastewater collection and treatment system that would eliminate the discharge of nutrients into the Basin. The wastewater treatment system includes lined evaporation ponds with pretreatment by individual septic systems. The average flow is projected to be 70,700 gallons per day (gpd) at full operation under Amended Waste Discharge Requirement WDID 6A180506011.

³ Spalding CSD, <http://www.spaldingcsd.org/uploads/NewsLetter6-30-11.pdf>, September 23, 2011.

The District also provides recreation services as well as maintains the Marina and the Community Hall for recreation opportunities and purposes.

The District also constructs, maintains and operates mailboxes.

3 SPHERE OF INFLUENCE

The Spalding Community Services District Sphere of Influence will be the same as the District Boundary and as shown on the attached Map.

3.1 Land Use

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

The "Eagle Lake Area Plan" completed in 1982 is a component of the "Lassen County General Plan."⁴ This Area Plan states the following:

To ensure the integrity and long-term protection of Eagle Lake and the interest of the public as reflected by the policies of the Eagle Lake Area Plan, Lassen County should rezone the remaining private lands of the Eagle Lake Basin located outside of the Planning Area that are not under Timber Preserve Zoning to ensure the continuation of open space use and protection of the watershed.

The zoning for the residential lots in the Spaulding CSD is "Single Family Residential". It is the intention of Lassen County, as stated in the "Eagle Lake Area Plan", that no new residential lots will be created in areas where there is no fire protection and in accordance with the above mentioned policy, to ensure the continuation of open space uses and watershed protection in the Eagle Lake Basin.

3.1.2 SOI Determinations on Present and Planned Land Use for Spalding CSD

- 1-1] Since it is the intention of the County, as stated in the "Eagle Lake Area Plan", that no additional residential zoning be allowed in areas not served by fire protection and to ensure open space uses and watershed protection, the District is constrained with respect to future annexations.
- 1-2] The Spalding CSD area is for the most part zoned for residential lots. The majority of the homes in the District are occupied by seasonal residents.

⁴ Lassen County, Lassen County General Plan 2000, Land Use Element, Page 2-2, http://www.co.lassen.ca.us/govt/dept/planning_building/planning_division/documents/04-LandUseElementpages2-1to2-29.pdf, September 23, 2011.

3.2 Municipal Services: Present and Probable Need

3.2.1 Service Need

There is and will continue to be a need for all the services provided by the Spalding CSD: fire protection, wastewater treatment and recreation. Therefore, the proposed Sphere of Influence coterminous with the District Boundary is correct. A smaller Sphere of Influence would not be suitable.

3.2.2 *SOI Determinations on Facilities and Services: Present and Probable Need for Spalding CSD*

- 2-1] There is and will be a continued need for fire protection services for the Spalding subdivision.
- 2-2] There is and will be a continued need for wastewater treatment services for the Spalding area according to the Regional Water Quality Control Board.
- 2-3] There is and will be a continued need for recreation and mailbox services.
- 2-4] The key to maintaining services is to secure adequate funding.
- 2-5] Exercise of any other service or function or class of service not yet currently exercised yet authorized by the Principal Act for Community Services Districts shall first require approval by LAFCO.

3.3 Public Facilities Present and Future Capacity

3.3.1 Facilities and Capacity

The future capacity of the Spalding Community Services District is adequate to serve the area within the existing boundaries of the sewer service area of the District but not necessarily the entire District.

3.3.2 SOI Determinations on Public Facilities Present and Future Capacity for Spalding CSD

3-1] Fire Protection Facilities

- a) Even with the Sphere of Influence the same as the District Boundaries, the District will have to upgrade the fire protection equipment.
- b) It would be difficult and costly to upgrade the fire protection equipment to serve additional areas.
- c) A public water system is needed with fire hydrants meeting minimum required flows for residential and (or) commercial development, whichever is the case.

3-2] Wastewater Treatment Facilities

- a) The wastewater treatment facilities are adequate as long as the system can be managed to comply with the adopted Waste Discharge Requirements.
- b) Continuous education will be required to maintain support for the wastewater treatment system. Maintenance information is shown on the District's website.
- c) LAFCo shall require a capacity analysis for any new annexations (and) or Sphere of Influence amendments to the district unless satisfactory proof can be submitted to LAFCo that adequate capacity is available to existing territory within the district as well as any proposed annexation area.

3-3] Recreation and Mailbox Facilities

- a) It is crucial to monitor the cost of the recreation facilities and to keep fees in line with costs through annual updating if needed.
- b) The district operates a marina and the community hall, these recreation facilities contribute to the economy of the area and to the sense of community.
- c) The district operates and maintains mailboxes for the Community

3.4 Social or Economic Communities of Interest

3.4.1. Spalding

Spalding maintains a sense of community by providing recreation facilities, a fire department and the CSD meetings and communications.

3.4.2 *SOI Determinations on Social or Economic Communities of Interest for Spalding CSD*

- 4-1] LAFCo is charged with overseeing the timely orderly development in an area. The County is charged with Land Use Planning.
- 4-2] The Spalding CSD maintains communication with the seasonal and year-round residents by keeping the website up-to-date and with newsletters.



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REFERENCES

Lassen County, Lassen County General Plan 2000, Land Use Element, Page 2-2,
http://www.co.lassen.ca.us/govt/dept/planning_building/planning_division/documents/04-LandUseElementpages2-1to2-29.pdf, September 23, 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.

Spalding CSD, <http://spaldingcsd.org/>, September 23, 2011

Spalding CSD, <http://www.spaldingcsd.org/uploads/NewsLetter6-30-11.pdf>, September 23, 2011.

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