

MODOC LAFCO

CITY OF ALTURAS

SPHERE OF INFLUENCE

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December 14, 2010
Resolution 2010-0010***

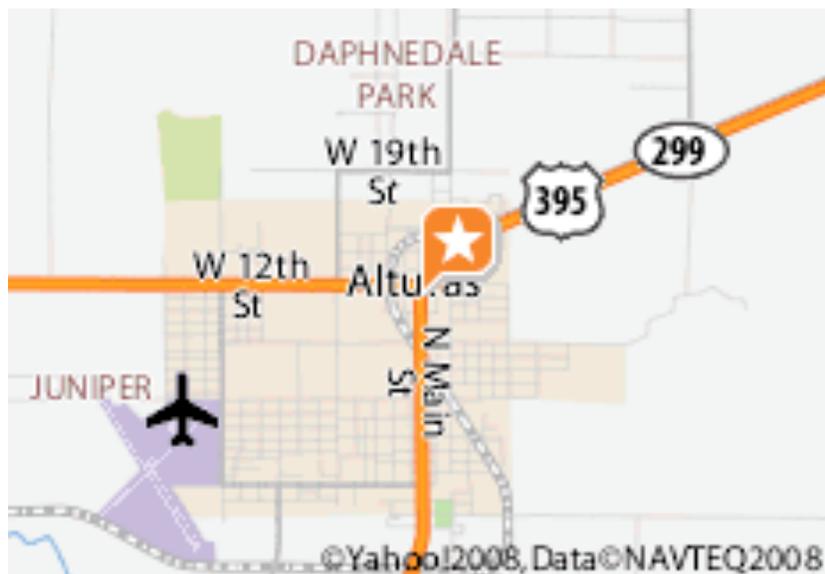


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Sphere of Influence Map – City of Alturas

1 INTRODUCTION

1.1 LAFCO's Responsibilities

LAFCO's in California are independent agencies created by the California Legislature in 1963 among whose major purposes include encouraging the orderly formation of local governmental agencies and conserving and preserving natural resources.

Statewide there are 58 LAFCOs working with nearly 3,500 governmental agencies (400+ cities, and 3,000+ special districts). Agency boundaries are often unrelated to one another and sometimes overlap at random, often leading to higher service costs to the taxpayer and general confusion regarding service area boundaries. LAFCO decisions strive to balance the competing needs in California for efficient services, affordable housing, economic opportunity, and conservation of natural resources.

LAFCOs are responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify, and streamline governmental structure, preparing a review of services called a Municipal Service Review and preparing a Sphere of Influence thereby determining the future "probable" boundary for each city and special district within each county.

The Commission's efforts are directed toward seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

Often citizens are confused as to what LAFCO's role is. LAFCO's do not have enforcement authority nor do they have the authority to initiate a city or district annexation or detachment proceeding. LAFCO's may initiate consolidation or dissolution proceedings; however, these proceedings are subject to the voter approval or denial.

The Legislature has given LAFCO's the authority to modify any proposal before it to ensure the protection of agricultural and open space resources, discourage urban sprawl and promote orderly boundaries and the provision of adequate services.

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 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 Modoc 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 City of Alturas.**

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. Modoc LAFCO adopted a Municipal Service Review for City Services on June 9, 2009 and adopted Resolution 2009-0004.

This report identifies preliminary SOI policy alternatives and recommends SOI options for the City of Alturas. Development of actual SOI update will involve additional steps as follows:

- opportunity for public input at a Modoc LAFCO public hearing, and
- consideration of changes requested by LAFCO Commissioners.

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 Modoc 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 written 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.

Certain types of SOI amendments are likely exempt from CEQA review. Examples may include SOI expansions that involve territory already within the bounds or service area of an agency, SOI reductions, and zero SOIs, or annexable Spheres where the City already provides services.

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

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.

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Modoc LAFCo

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2 CITY OF ALTURAS SPHERE OF INFLUENCE

The determination of Sphere of Influence Plans is the most important planning function given to LAFCo by the State Legislature. Spheres of Influence are described by the Cortese-Knox-Hertzberg Act as an important tool for “planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities.”

Spheres serve a similar function in LAFCo determinations as general plans do for cities and counties. Consistency with the adopted sphere plan is mandatory, and changes to the plan require careful review. It is intended that written determinations adopted by LAFCo and the Sphere Diagram will together guide the provision of municipal services for the Alturas area.

While LAFCO encourages the participation and cooperation of the subject agency, the sphere of influence plan is a LAFCO responsibility, and the Commission is the sole authority as to the sufficiency of the documentation and the plan’s consistency with law and LAFCO policy.

The City of Alturas is 1550 acres in size. The proposed Sphere of influence is as follows and is shown on a map at the end of this report:

- 0 to 10 year SOI 1268 acres
- 11 to 20 year SOI 960 acres

BPOE Lodge Building-Alturas <http://www.city-data.com/picfilesv/picv5808.php>



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

2.1.1 Land Use in the Alturas Area

The City of Alturas is bound by the Pit River to the south, the foothills of the Modoc National Forest (Devil's Garden area) to the north, agricultural land to the east and undeveloped and agricultural areas to the west.

A. Modoc County General Plan Designations:

The Land Use Designations shown in the Modoc County General Plan 1988 for the 0 to 10 year SOI include the following:

Light Industrial and Heavy Industrial (South of Highway 299)

Public Land (Airport area)

Rural Residential, Urban Residential, and Commercial (North and South of City Limits)

The Land Use Designation shown in the Modoc County General Plan 1988 for the 11 to 20 year SOI includes the following:

Rural Residential
Urban Residential
General Agriculture

B. City of Alturas General Plan Designations:

The City of Alturas has Land Use Designations for the area around the City which would take effect when the land is annexed to the City.

In the 0 to 10 year SOI the City Land Use Designations are as follows:

- Light Industrial, Heavy Industrial (South of Highway 299)
- Public/Quasi-Public (Airport area)
- Low Density Residential (South of City Limit)

In the 11 to 20 year SOI the City Land Use Designations are as follows:

Low Density Residential
Light Industrial
General Commercial

Placement in a sphere horizon does not mean that annexation will automatically take place. Each annexation proposal must be carefully reviewed at the time of application.

2.1.2 SOI Determinations Present and Planned Land Use for City of Alturas

- 1-1] Land annexed to the City of Alturas and developed at city densities can help to preserve agricultural land by accommodating more development on less land.
- 1-2] Public health is better when development is connected to sewer and water systems.
- 1-3] LAFCo shall support appropriate buffer areas separating agricultural lands from lands with densities higher than 1 unit to 5 acres.
- 1-4] Modoc County has extensive land in public ownership which will provide for ample open space.
- 1-5] The Sphere of Influence for the City of Alturas would allow annexation to the City.

2.2. Municipal Services: Present Need

LAFCO is responsible for determining if an agency is reasonably capable of providing needed infrastructure and services to serve areas within its Sphere of Influence. LAFCO is required to evaluate present and long-term infrastructure demands and resource availability. LAFCO is to evaluate the following:

- a) whether the resources and services are available at needed service levels
- b) that orderly maintenance and expansion of such resources and services are made inline with increasing demands.

2.2.1 Service Need for City of Alturas

There is a need for the services that the City provides. This need will continue into the future. Allowing the City of Alturas to annex land within the Sphere of Influence will help the City to provide the needed services by including more people to provide and economy of scale.

2.2.2 SOI Determinations for Service Need for City of Alturas

- 2-1] The City should have a Capital Improvements Plan to show how much new development will pay to provide the needed services.
- 2-2] The City should have policies to ensure that all new development will pay for all services needed including the following:
 - a) Water
 - b) Wastewater Treatment
 - c) Fire Protection
 - d) Police Protection
 - e) Streets
 - f) Storm Drainage
 - g) Parks
 - h) Street Lighting
 - i) Airport Services
 - j) Mosquito Abatement
- 2-3] City of Alturas services and infrastructure should be maintained and improved.
- 2-4] The need for the City of Alturas services will continue into the future.

2.3 Public Facilities Future Capacity

2.3.1 Facilities and Capacity

The facilities and capacity are explained in detail in the City of Alturas MSR. The capacity of the various public facilities would be enhanced if additional development could be served to spread the cost over a larger number of tax payers.

2.3.2 SOI Determinations for Public Facilities Present and Future Capacity

3-1] Present services within the City are adequate for the City residents and probable future growth within the Sphere of Influence if planned improvements are made.

2.4 Social or Economic Communities of Interest

2.4.1 City of Alturas

The City of Alturas is clearly a separate social and economic community. The City describes itself as follows:

Alturas is the most Northeastern incorporated city in the State of California. It is the County Seat of the County of Modoc. Alturas is a full service community. It has a five person City Council elected at large for 4 year terms. It has an elected City Clerk and City Treasurer who serve 4 years terms. The Planning Commission is appointed by the City Council and serves at the pleasure of the Council.²

2.4.2 SOI Determinations for Social or Economic Communities of Interest

4-1] LAFCo is charged with overseeing orderly development in an area. The City and the County are charged with Land Use Planning.

4-2] The City of Alturas is a unique community with a separate identity.

² <http://www.cityofalturas.org/main.html>

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