



Solano Local Agency Formation Commission

675 Texas St. Ste. 6700 • Fairfield, California 94533
(707) 439-3897 • FAX: (707) 438-1788

Staff Report

DATE: October 19, 2015

TO: Local Agency Formation Commission

FROM: Elliot Mulberg, Executive Officer
Michelle McIntyre, Analyst

SUBJECT: **Suisun Resource Conservation District Sphere of Influence Update**

RECOMMENDATION:

Staff recommends the Commission:

- 1) Approve the attached resolution for the Sphere of Influence Update for the Suisun Resource Conservation District (Suisun RCD).
- 2) Approve a Notice of Exemption pursuant to the California Quality Environmental Quality Act (CEQA).

BACKGROUND:

Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) to regulate the formation and development of local governmental agencies and their municipal services. LAFCOs are charged with encouraging the orderly formation and development of all local governmental agencies in their respective counties in a manner that preserves agricultural and open-space lands, promotes the efficient extension of municipal services, and discourages urban sprawl. Some of LAFCO's duties include: regulating service delivery through annexations or detachments and forming, consolidating, or dissolving special districts. LAFCOs are also charged with developing and updating spheres of influences (SOI) for each local governmental agency within their purview and enacting policies designed to promote logical and orderly development of areas within the sphere. LAFCOs are required to review and update each agency's SOI every five years as necessary.

A SOI is defined as a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission. The purpose in reviewing the SOI is to evaluate whether the probable boundary is appropriate, determine if the agency can feasibly provide

well planned efficient services in this territory, and whether the current location of the SOI (or another location) will be a benefit to residents.

While CKH requires an update of the SOI every five years it also requires a current service review to accompany the SOI. At its June 2015 meeting, the Commission updated the Suisun RCD's municipal service review.

The District's SOI was last updated in 2006, at which time the Commission determined a coterminous sphere was appropriate. As required by CKH and the Commission's SOI policy, the Commission should now update the SOI for the District. Staff is recommending the Commission reaffirm a coterminous sphere for the Suisun RCD.

Agency Profile:

Suisun RCD was formed on June 6, 1963 as an independent special district for the purpose of regulating and improving water management practices related to the wetlands and wildlife habitat in the Suisun Marsh. Today, the District provides the landowners with technical assistance in permitting, water control, and habitat management to ensure the wetland and wildlife values of the Suisun Marsh are sustained and enhanced.¹

DETERMINATIONS:

LAFCO is required to consider and prepare written statements addressing the five factors enumerated in California Government Code Section (GC §) 56425, including present and planned land uses in the area, present and probable need for public facilities and services, the present capacity of facilities and adequacy of services, the existence of any social or economic communities of interest, and the essential services, such as fire protection, water, and wastewater, to disadvantaged unincorporated communities.

1. The present and planned land uses in the area, including agricultural and open space lands.

Suisun RCD is in the southcentral area of Solano County. The District's boundary follows SR 680, veering due north, northeast toward the cities of Suisun City and Fairfield. The District's northern boundary follows SR 12 for approximately seven miles and then continues directly south toward just east of Honker Bay to the City of Benicia. Limited areas of the cities of Suisun, Fairfield, and Benicia are included within the District's boundaries (Exhibit 1).

¹ <http://www.suisunrcd.org/>

As indicated within the Solano County General Plan the present land uses within the Suisun RCD are marsh (wetlands) and agricultural. There are also some land designated as parks and recreation. In all, the District's boundary covers approximately 115,000 acres. The district includes 52,000 acres of managed wetlands, 6,300 acres of unmanaged tidal wetlands, 30,000 acres of bays and sloughs, and 27,000 acres of upland grasslands. It is anticipated that significant future uses will continue to be agricultural practices, wetlands, and open space.

While the cities of Suisun City and Benicia's sphere extends to the boundary of the Suisun RCD, both Cities are currently in the early stages of reviewing their SOIs as their spheres are also in need of an update. To date there are no immediate proposals to extend either of the two cities' boundaries into the Suisun RCD boundary.

2. The present and probable need for public facilities services in the area.

The principal act that governs the District is Division 9 of the California Public Resources Code.² The principal act empowers resource conservation districts to control runoff, prevent and control soil erosion, protect water quality, develop storage and distribute water, improve land capabilities, and facilitate coordinated resource management efforts for watershed restoration and enhancement.³ In addition to the provisions relevant to all RCDs, Suisun RCD is governed by The 1977 Suisun Marsh Preservation Act.⁴ The Act empowers Suisun RCD to promote wetland conservation of the Suisun Marsh through improvements in water management practices on private lands within the primary management area of the Suisun Marsh.⁵

There is a present and future need in the territory for the existing services provided by Suisun RCD. Promoting wetland conservation and improving water management practices are essential services that benefit the landowners in the Suisun Marsh and the surrounding areas. According to the San Francisco Bay Conservation and Development Commission, "The Suisun Marsh represents an area of significant aquatic and wildlife habitat that is an irreplaceable and unique resource to the residents of Solano County, the state, and nation...It is the largest remaining wetland around San Francisco Bay and includes more than ten percent of California's remaining wetland area."⁶

² Public Resources Code §9001 et seq.

³ Public Resources Code §9001.

⁴ Public Resources Code §§9960-9965.

⁵ Public Resources Code §9962.

⁶ http://www.bcdc.ca.gov/laws_plans/suisunMarshLPP.shtml

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

As indicated in the Suisun RCD's MSR, the District presently has sufficient capacity to provide adequate services to its existing service area. However, limited staffing resources constrain that capacity to current levels of service. The District has observed an increase in service demand over the last five years due to the drought causing higher salinities.

The MSR also found the District's three facilities are only in fair condition which means that upgrades and repairs are needed to improve the condition of the facilities. The MSR also determined the District's services appear to be adequate based on Suisun RCD's ability to secure long-term government service contracts as well as the revenue received from fees for services and grants.

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.

As previously noted, the present land uses within the Districts boundary are marsh, agriculture, and open space. There are no existing social or economic communities of interest within the District's boundary or proposed SOI.

The Collinsville area, while not within the District's boundary, is located immediately adjacent to the District's southeastern boundary and may be considered a social community of interest. The Collinsville area is made up of approximately 44 residents that live along Collinsville Road and within the Collinsville Levee District.

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, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

This factor is not applicable to the Suisun RCD as the District does not provide services related to sewers, municipal and industrial water, or structural fire protection.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Establishing, updating, and amending spheres of influence are projects subject to environmental review under CEQA. Staff recommends the Commission consider and adopt a

coterminous sphere of influence. Since there is no anticipated change in services or expansion of the boundary the requested action is exempt pursuant to Section 15061(b)(3), the general rule exemption. If there is no possibility that the activity in question, of updating the District's SOI, will have a significant effect on the environment, the project qualifies for the general rule exemption as define in that section of the CEQA Guidelines.

STAFF RECOMMENDATION:

Staff recommends the Commission approve the attached resolution for the Sphere of Influence update for the Suisun Resource Conservation District and approve the Notice of Exemption.

Attachments:

- A. Proposed Sphere of Influence
- B. Proposed Resolution
- C. Notice of Exemption

RESOLUTION NO. 15-___

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF SOLANO APPROVING THE SPHERE OF INFLUENCE UPDATE OF THE SUISUN RESOURCE
CONSERVATION DISTRICT**

WHEREAS, the Solano Local Agency Formation Commission (LAFCO) is required to update spheres of influences of local governmental agencies whose jurisdictions are within Solano County in accordance the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 Government Code Section (G.C. §) 56000 et. seq.; and,

WHEREAS, pursuant to G.C. §56425 and the adopted Sphere of Influence (SOI) Policy of the Solano LAFCO, the LAFCO is required to update the SOI update every five years or as necessary; and,

WHEREAS, the Sphere of Influence of the Suisun Resource Conservation District (Suisun RCD) is due for an update; and,

WHEREAS, the proposed SOI is coterminous with district boundaries; and,

WHEREAS, the Executive Officer prepared an analysis and staff report including written determinations for the proposed SOI; and,

WHEREAS, LAFCO acting as the lead agency pursuant to the California Environmental Quality Act prepared a Notice of Exemption which concludes that there is no possibility that updating the District's SOI, will have a significant effect on the environment pursuant to Section 15061(b)(3); and,

WHEREAS, a public hearing was held on October 19, 2015 at 1:30pm; and

WHEREAS, the Commission received and considered all written and oral testimony at said public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Commission certifies the Notice of Exemption adequate for the purposes of CEQA;

AND THEREFORE, BE IT FURTHER RESOLVED that pursuant to G.C. §56425 the Commission makes the following determinations:

1. The present and planned land uses in the area, including agricultural and open space lands.

Plan the present land uses within the Suisun RCD are marsh (wetlands) and agricultural. There are also some land designated as parks and recreation. In all, the District's boundary covers approximately 115,000 acres. The district includes 52,000 acres of managed wetlands, 6,300 acres of unmanaged tidal wetlands, 30,000 acres of bays and sloughs, and 27,000 acres of upland grasslands. It is anticipated that significant future uses will continue to be agricultural practices, wetlands, and open space.

2. The present and probable need for public facilities services in the area.

There is a present and future need in the territory for the existing services provided by Suisun RCD. Promoting wetland conservation and improving water management practices are essential services that benefit the landowners in the Suisun Marsh and the surrounding areas. According to the San Francisco Bay Conservation and Development Commission, "The Suisun Marsh represents an area of significant aquatic and wildlife habitat that is an irreplaceable and unique resource to the residents of Solano County, the state, and nation...It is the largest remaining wetland around San Francisco Bay and includes more than ten percent of California's remaining wetland area."

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

As indicated in Suisun RCD's municipal service review (MSR), the District presently has sufficient capacity to provide adequate services to its existing service area. However, limited staffing resources constrain that capacity to current levels of service. The District has observed an increase in service demand over the last five years due to the drought causing higher salinities.

The MSR also found the District's three facilities are only in fair condition which means that upgrades and repairs are needed to improve the condition of the facilities. The MSR also determined the District's services appear to be adequate based on Suisun RCD's ability to secure long-term government service contracts as well as the revenue received from fees for services and grants.

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.

The present land uses within the Districts boundary are marsh, agriculture, and open space. There are no existing social or economic communities of interest within the District's boundary or proposed SOI. The Collinsville community is outside the district boundary and proposed SOI.

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, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

This factor is not applicable to the Suisun RCD as the District does not provide services related to sewers, municipal and industrial water, or structural fire protection.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that Sphere of Influence Map, included herein as *Exhibit A*, designating the Sphere of Influence, is hereby adopted by the Commission.

UPON MOTION of Commissioner _____ seconded by Commissioner _____, the foregoing resolution is adopted this 19th day of October 2015 by the following vote:

AYES:

NOES:

ABSENT:

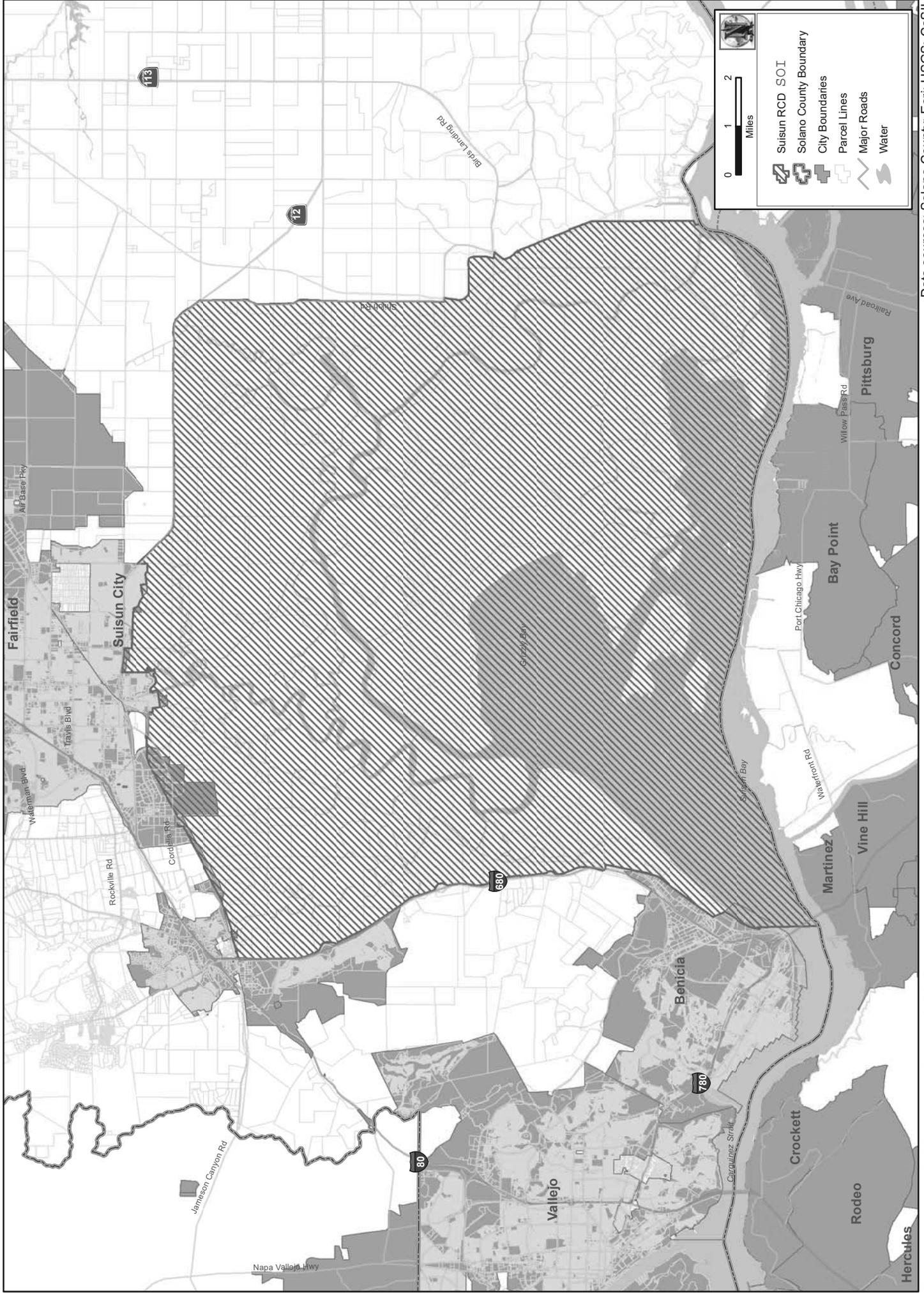
ABSTAIN:

John Saunderson, Chair
Local Agency Formation Commission
County of Solano, State of California

ATTEST:

Elliot Mulberg, Executive Officer

Suisun Resource Conservation District



To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) Solano LAFCO
675 Texas St. Ste. 6700
(Address)
Fairfield CA 94533

County Clerk
County of Solano
675 Texas St. Ste. 6500
Fairfield CA 94533

Project Title: 2015-06 Suisun Resource Conservation District Sphere of Influence Update

Project Location - Specific: _____
The area south of the City of Suisun in the unincorporated area of Solano County

Project Location - City: _____ **Project Location - County:** Solano

Description of Nature, Purpose, and Beneficiaries of Project:
To establish a coterminous sphere of influence for the Suisun Resource Conservation District (Suisun RCD)

Name of Public Agency Approving Project: Solano LAFCO

Name of Person or Agency Carrying Out Project: Solano LAFCO

- Exempt Status:** (check one)
- Ministerial (Sec. 21080(b)(1); 15268);
 - Declared Emergency (Sec. 21080(b)(3); 15269(a));
 - Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 - Categorical Exemption. State type and section number: 15061(b)(3)
 - Statutory Exemptions. State code number:

Reasons why project is exempt: _____
There is no possibility that establishing a sphere of influence that is coterminous with the District's existing boundary
_____ could have a significant effect on the environment.

Lead Agency
Contact Person: Elliot Mulberg, Executive Officer Area Code/Telephone/Extension: 707-439-3898

- If filed by applicant:**
1. Attach certified document of exemption finding.
 2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: 10/19/2015 Title: Executive Officer

- Signed by Lead Agency Date received for filing at OPR:
- Signed by Applicant